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No. 49]

NEW DELHI, SATURDAY, DECEMBER 5, 1992/AGRAHAYANA 14, 1914

इस भाग में अलग पृष्ठ संख्या दी जाती है जिससे कि यह जलम संकलन के रूप में
रखे जा सकें

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए नवित्तिरिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Minister of the Government of India (other than the
Ministry of Defence)

विधि और न्याय मंत्रालय
(विधि कार्य विभाग)
(न्यायिक अनुभाग)
सूचना

नई दिल्ली, 6 नवम्बर, 1992

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Department of Legal Affairs)
(Judicial Section)

New Delhi, the 6th November, 1992

NOTICE

का.आ. 2962—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में
सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री श्याम सुन्दर सिंह
एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन
एक आवेदन हम बात के लिए दिया है कि उसे ट्रांस हिन्दन एरिया
(गाजियाबाद, उत्तर प्रदेश में व्यवसाय करने के लिए नोटरी के रूप
नियुक्ति पर कितनी भी प्रकार का आवेदन हम सूचना के प्रकाशन के
बीस दिनों के भीतर लिखित रूप से भेरे जा सकते हैं।

[सं. 5(243)/92-न्यायिक]

पी.सी. कानन, सक्षम प्राधिकारी

S.O. 2962.—Notice is hereby given by the Competent Au-
thority in pursuance of Rule 6 of the Notaries Act, 1956
that application has been made to the said Authority, under
Rule 4 of the said Rules, by Shyam Sunder Singh Advocate
for appointment as a Notary to practise in Trans Hindon
Area (Ghaziabad) U. P.

2. Any objection to the appointment of the said person
as a Notary may be submitted in writing to the undersigned
within fourteen days of the publication of this notice.

[No. F. 5(243)/92-Judl.]

P. C. KANAN, Competent Authority

दिल्ली मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 23 अक्टूबर, 1992

(आयकर)

का.पा. 2963 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एाद्वारा "इंस्टीट्यूट फॉर धर्मस्थल, बंगलौर" को कर-निर्धारण वर्ष 1988-89 से 1990-91 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारितो हस्तों आय का हस्तान्तरण करना हस्तों आय का हस्तान्तरण करने के लिए हस्तों आय का पूर्णतया तथा अनन्ततया उन उद्देश्यों के लिए करेगा, जिन्हें लिए हस्तों स्थापना की गई है ;
- (ii) कर-निर्धारितो ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की कितनी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट कितों एक अवधि एक से अधिक हो अवधि तरीकों से भिन्न तरीकों से हस्तों निधि (जैवर-जवाहिरात, फर्निचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छित व्ययभरण से भिन्न) का विवेक नहीं करेगा अथवा उसे जमा नहीं करेगा सकेगा ।
- (iii) यह अधिसूचना कितों ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिमान के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारितो 8 उद्देश्यों की प्राप्ति के लिए प्रांतिक नहीं हो तथा ऐसे कारोबार 9 संबंध में मनाते लेखा-गुणितार्थ नहीं रखी जाती हों ।

[अधिसूचना सं. 9112/का.सं. 197/107/90-आयकर (नि.पा)]

शरत चन्द्र, प्रवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 23rd October, 1992

(INCOME-TAX)

S.O. 2963.—In exercise of the powers conferred by sub-clause (V) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Institute of Dharmsthala, Karnataka" for the purpose of the said sub-clause for the assessment years 1988-89 to 1990-91 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms of or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9112/F. No. 197/107/90-IT(AD)]

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 23 अक्टूबर, 1992

आयकर

का.पा. 2964 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एाद्वारा "गोविन्द भवन कार्यालय, कलकत्ता" को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारितो हस्तों आय का हस्तान्तरण करना हस्तों आय का हस्तान्तरण करने के लिए हस्तों आय का पूर्णतया तथा अनन्ततया उन उद्देश्यों के लिए करेगा, जिन्हें लिए हस्तों स्थापना की गई है ;
- (ii) कर-निर्धारितो ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की कितनी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट कितों एक अवधि एक से अधिक हो अवधि तरीकों से भिन्न तरीकों से हस्तों निधि (जैवर-जवाहिरात, फर्निचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छित व्ययभरण से भिन्न) का विवेक नहीं करेगा अथवा उसे जमा नहीं करेगा सकेगा ;
- (iii) यह अधिसूचना कितों ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिमान के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारितो के उद्देश्यों की प्राप्ति के लिए प्रांतिक नहीं हो तथा ऐसे कारोबार के संबंध में मनाते लेखा-गुणितार्थ नहीं रखी जाती हों ।

[अधिसूचना सं. 9113/का.सं. 197/95/92 आयकर (नि. I)]

शरत चन्द्र, प्रवर सचिव

New Delhi, the 23rd October, 1992

(INCOME-TAX)

S.O. 2964.—In exercise of the powers conferred by sub-clause (V) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Govind Bhavan Karyalaya", Calcutta for the purpose of the said sub-clause for the assessment years 1993-94 to 1994-95 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms of or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9113/F. No. 197/95/92-IT(AD)]

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 23 अक्टूबर, 1992

(आयकर)

का.पा. 2965 :—आयकर अधिनियम 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रवृत्त शक्तियों का

प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि बिवाईन लाइफ सोसायटी, गियानन्द नगर, जिला टिहरी गढ़वाल, उत्तर प्रदेश को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अधीन रखते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिलेखित करती है, अर्थात्:—

(i) कर-निर्धारिता इसकी आय का हस्तमाल अथवा इसकी आय का हस्तमाल करने के लिए इसका संयोजन पूर्णतया तथा अनिवार्यता उक्त उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिता ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा II की उपधारा (5) में विनिर्दिष्ट किसी एक अवधि के अन्तर्गत उक्त अवधि तरीकों से भिन्न तरीकों से इसकी निधि (जैसे-जवाहरिदास, फर्निचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वीकृत अंशदान से भिन्न) का निर्देश नहीं करेगा अथवा उसे जमा नहीं करेगा सहाय;

(iii) यह अधिलेखना किता ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिमान के रूप में है जब तक कि ऐसा कारोबार उक्त कर-निर्धारिता के उद्देश्यों का प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखा जाता है।

[अधिलेखना स. 9115/का.सं. 197/76/92-आयकर (नि-1)]

शरत चन्द्र, प्रवर सचिव

New Delhi, the 23rd October, 1992

(INCOME-TAX)

S.O. 2965.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Divine Life Society, Shaivamanaganagar, Dist. Tehri Garhwal (U. P.)" for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business

[Notification No. 9115/F. No. 197/76/92-IT(A-D)]

SHARAT CHANDRA, Under Secy.

प्रदेश

नई दिल्ली, 17 नवम्बर, 1992

स्टाम्प

का.प्र. 2966—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (i) के खण्ड (क) द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो नेशनल कोऑपरेटिव डेवलपमेंट कार्पोरेशन द्वारा जारी किये जाने वाले मासिक बँडों के मूल्य के प्रामितरी नोटों के स्वरूप के बँडों

"12 % एनसीडीसी बँडों, 2012 (32 वीं श्रृंखला)" वाले बँडों पर उक्त अधिनियम के अन्तर्गत प्रभावी है।

[सं. 26/92-स्टाम्प-का.सं. 33/12/92-वि.क.]]

आत्मा राम, प्रवर सचिव

ORDER

New Delhi, the 17th November, 1992

STAMPS

S.O. 2966.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes—"12% NCDC Bonds, 1012 (XXXIIInd Series)" of the value of rupees thirty seven crores only to be issued by National Cooperative Development Corporation are chargeable under the said Act.

[No. 26/92-Stamp-F. No. 33/12/92-ST.]

ATMA RAM, Under Secy.

प्रदेश

नई दिल्ली, 17 नवम्बर, 1992

स्टाम्प

का.प्र. 2967—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (i) के खण्ड (क) द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो नेशनल कोऑपरेटिव डेवलपमेंट कार्पोरेशन द्वारा जारी किये जाने वाले मासिक बँडों के मूल्य के प्रामितरी नोटों के स्वरूप के बँडों "11.5 % एनसीडीसी-बँडों, 2011 (31 वीं श्रृंखला)" वाले बँडों पर उक्त अधिनियम के अन्तर्गत प्रभावी है।

[सं. 28/92-स्टाम्प-का.सं. 33/50/91-वि.क.]]

आत्मा राम, प्रवर सचिव

ORDER

New Delhi, the 17th November, 1992

STAMPS

S.O. 2967.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes—"11.5% NCDC Bonds, 2011 (XXXIst Series)" of the value of rupees thirty three crores only to be issued by National Cooperative Development Corporation, New Delhi are chargeable under the said Act.

[No. 28/92-Stamp-F. No. 33/50/91-ST.]

ATMA RAM, Under Secy.

प्रदेश

नई दिल्ली, 18 नवम्बर, 1992

का.प्र. 2968—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा धरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश का. सं. 873/102/92-सा.सं. 8

तारीख 18-6-92 यह निदेश देते हुए जारी किया था कि श्री पुरुषोत्तम शर्मा, निवासी 22, सबाव नगर, इन्दौर, को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, इन्दौर में अभिरक्षा में रखा जाए ताकि उसे भविष्य में तस्करी का माल लाने ले जाने तथा छिपाने के अथवा तस्करी का माल रखने तथा इसका घटा करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुनित आशुत, इन्दौर के समक्ष हजरि हो।

[फा. सं. 673/102/92-सी.गु.-8]

आर. देशिकन, अवर सचिव

ORDER

New Delhi, the 18th November, 1992

S.O. 2968.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (i) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/102/92-Cus. VIII dated 18-6-92 under the said sub-section that Shri Purushottam Sharma, R/o 22, Sarvad Nagar, Indore, be detained and kept in custody in the Central Jail, Indore with a view to preventing him from engaging in keeping smuggled goods and dealing in smuggled goods otherwise than by engaging in transporting and concealing smuggled goods in future;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (i) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Indore, within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/102/92-Cus. VIII]

R. DESIKAN, Under Secy.

प्रदेश

नई दिल्ली, 18 नवम्बर, 1992

का.ग्रा. 2969.—भारत सरकार के संयुक्त सचिव ने, जिसे विशेषी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सजक्त किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/115/92-सी.गु.-8 तारीख 15-7-92 यह निदेश देते हुए जारी किया था कि श्री अशोक हकीम उर्फ हकूम निवासी मोहम्मद सोगडमाद, गजपेखा नगर, जिले गोंडा (उत्तर प्रदेश) को निरुद्ध कर लिया जाए और केन्द्रीय जेल, गोंडा (उ.प्र.) में अभिरक्षा में रखा जाए ताकि उसे तस्करी का माल लाने ले जाने में लिप्त रहने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुनित महुनिदेशक, उत्तर प्रदेश, लखनऊ के समक्ष हजरि हो।

[फा. सं. 673/112/92-सी.गु.-8]

आर. देशिकन, अवर सचिव

ORDER

New Delhi, the 18th November, 1992

S.O. 2969.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (i) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/112/92-Cus. VIII dated 15-7-82 under the said sub-section that Shri Ramesh Chandra Rathour, R/o (i) Village Khudaganj, District Shahjahanpur, Uttar Pradesh; and (ii) C/o Latta Prasad, Mohalla-Joshi Tola, Pilibhit, Uttar Pradesh, be detained and kept in custody in the District Jail, Pilibhit, Uttar Pradesh, with a view to preventing him from engaging in transporting smuggled goods in future;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (i) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Director General of Police, Uttar Pradesh, Lucknow within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/112/92-Cus. VIII]

R. DESIKAN, Under Secy.

प्रदेश

नई दिल्ली, 18 नवम्बर, 1992

का.ग्रा. 2970.—भारत सरकार के संयुक्त सचिव ने, जिसे विशेषी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सजक्त किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/115/92-सी.गु.-8 तारीख 15-7-92 यह निदेश देते हुए जारी किया था कि श्री अशोक हकीम उर्फ हकूम निवासी मोहम्मद सोगडमाद, गजपेखा नगर, जिले गोंडा (उत्तर प्रदेश) को निरुद्ध कर लिया जाए और केन्द्रीय जेल, गोंडा (उ.प्र.) में अभिरक्षा में रखा जाए ताकि उसे तस्करी का माल लाने तथा छिपाने के अथवा तस्करी का घटा करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुनित महुनिदेशक, उत्तर प्रदेश, लखनऊ के समक्ष हजरि हो।

[फा. सं. 673/115/92-सी.गु.-8]

आर. देशिकन, अवर सचिव

ORDER

New Delhi, the 18th November, 1992

S.O. 2970.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (i) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/115/92-Cus. VIII dated 15-7-1992 under the said sub-section that Shri Abdul Hakam @ Hakku, R/o Mohalla-Moraimata, Town-Pachperwa, District-Gonda, Uttar Pradesh, be detained and kept in custody in the Central Jail, Gonda, Uttar Pradesh with a view to preventing him from dealing in smuggled goods otherwise than by engaging in concealing or keeping smuggled goods in future;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (i) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Director General of Police, Uttar Pradesh, Lucknow, within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/115/92-Cus. VIII]

R. DESIKAN, Under Secy.

आदेश

नई दिल्ली, 18 नवम्बर, 1992

का.प्र. 2971.—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 के उपधारा (1) के अन्तर्गत विशेष रूप से सजाया किया गया है, उक्त उपधारा के अन्तर्गत आदेश का सं. 673/116/92-सी.शु. तारीख 15-7-92 यह निदेश देते हुए जारी किया था कि श्री अमर सिंह अर्जुन सिंह जाड़ा, निवासी ग्राम—सकरी कुइयान, थाना—पचपरवा, जिला—गोंडा, उत्तर प्रदेश को निरुद्ध कर लिया जाए और केन्द्रीय जेल, गोंडा, यू.पी. में अतिरिक्त में रखा जाए ताकि उसे भविष्य में तस्करी का माल लाने के जाने अथवा रखने के अथवा तस्करी का संघा करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति कदाचित्त हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इन आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिनों के भीतर पुलिस महानिदेशक, उत्तर प्रदेश, लखनऊ के समक्ष हजरि हो।

[का.सं. 673/116/92-सी.शु.-8]

भार. देशिकन, अधर सचिव

ORDER

New Delhi, the 18th November, 1992

S.O. 2971.—Whereas the Joint Secretary to the Government of India specially empowered under sub-section (i) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/116/92-Cus. VII dated 15-7-92 under the said sub-section that Shri Wazir Ahmed, R/o Village Sakri Kuayan, P. S. Pachperwa, District Gonda, Uttar Pradesh, be detained and kept in custody in the District Jail, Gonda, Uttar Pradesh, with a view to preventing him from dealing in smug-

gled goods otherwise than by engaging in transporting or concealing or keeping smuggled goods in future;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (i) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Director General of Police, Uttar Pradesh, Lucknow within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/116/92-Cus. VIII]

R. DESIKAN, Under Secy.

आदेश

नई दिल्ली, 18 नवम्बर, 1992

का.प्र. 2972.—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 के उपधारा (1) के अन्तर्गत विशेष रूप से सजाया किया गया है, उक्त उपधारा के अन्तर्गत आदेश का सं. 673/117/92-सी.शु. 8 तारीख 18-8-92 यह निदेश देते हुए जारी किया था कि श्री अमर सिंह अर्जुन सिंह जाड़ा, निवासी संग्राम विडियो क्लेसट कॉम्प्लेक्स, हाजी बांग बिल्डिंग, नेहरू रोड, वाकोला पाइपलाइन, सान्ताक्रुज (पू.) बम्बई-400 055 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, बम्बई में अतिरिक्त में रखा जाए ताकि उसे ऐसे किसी प्रकार के कार्य को करने से रोका जा सके जो विदेशी मुद्रा के संवर्धन के लिए हानिकारक हों।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति कदाचित्त हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिनों के भीतर पुलिस महानिदेशक, बम्बई के समक्ष हजरि हो।

[का. सं. 673/117/92-सी.शु.-8]

भार. देशिकन, अधर सचिव

ORDER

New Delhi, the 18th November, 1992

S.O. 2972.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (i) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/117/92-Cus. VIII dated 18-8-92 under the said sub-section that Shri Amar Singh Arjun Singh Jodha, R/o Sunshine Video Cassette Complex, Haji Bang Building, Nehru Road, Vakola Pipeline, Santacruz (E), Bombay-400 055, be detained and kept in custody in the Central Prison, Bombay, with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (i) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay, within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/117/92-Cus. VIII]

R. DESIKAN, Under Secy.

आदेश

नई दिल्ली, 10 नवम्बर, 1992

का.आ. 2973—भारत सरकार के संयुक्त सचिव ने, जिसे विदेश मंत्रालय और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अन्तर्गत आदेश का. सं. 673/118/92-सं.गु. 8 तारीख 18-8-92 यह निदेश देते हुए जारी किया था कि श्री शब्बर फजल अम्बास अफ़का बाला, निवासी, केमानवाला कॉम्प्लेक्स, बिल्डिंग नं. 101, दूसरा तल, अगाशी रोड, बालिज, चिराङ्ग (पश्चिम) जिला वाणे (महाराष्ट्र) को गिरफ्तार कर लिया जाए और केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे ऐसे किसी प्रकार के कार्य करने से रोका जा सके जो कि विदेशी मुद्रा के संवर्धन के लिए हानिकारक हों।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है अतः उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देता है कि पूर्वोक्त व्यक्ति इस आदेश के आतंक्य अन्वय में प्रकाशन के 7 दिन के भीतर पंजित आवुक्त, बम्बई के समक्ष हजरत हों।

[का. सं. 673/118/92-सं.गु.-अ]

भार. देशिकन, अधर सचिव

ORDER

New Delhi, the 18th November, 1992

S.O. 2973.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (i) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under No. F. No. 673/11/92-Cus. VIII dated 18-8-92 under the said sub-section that Shri Shabbir Fazalebbas Africawala, R/o Kemanwala Complex, Building No. B-101, 2nd Floor, Agashi Road, Balinj, Virar (W), District Thane, Maharashtra, be detained and kept in custody in the Central Prison, Bombay, with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (i) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay, within 7 days of the publication of this order in the official Gazette.

[F. No. 673/118/92-Cus. VIII]

R. DESIKAN, Under Secy.

आदेश

नई दिल्ली, 18 नवम्बर, 1992

का.आ. 2974—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अन्तर्गत आदेश का. सं. 673/118/92-सं.गु.-8 तारीख 18-8-92 यह निदेश देते हुए जारी किया था कि श्री जुबेर जम्मा अब्दुल गनी, निवासी, हाजी बंग बिल्डिंग, फ्लैट नं. 9-10 बकोला पाइप लाइन, वांला कुंज (पूर्व) बम्बई-400055 को गिरफ्तार कर लिया

जाएगा और केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे ऐसा प्रकार के कार्य करने से रोका जा सके जो कि विदेशी मुद्रा के संवर्धन के लिए हानिकारक हों।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है अतः उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देता है कि पूर्वोक्त व्यक्ति इस आदेश के आतंक्य अन्वय में प्रकाशन के 7 दिन के भीतर पंजित आवुक्त, बम्बई के समक्ष हजरत हों।

[का. सं. 673/118/92-सं.गु.-8]

भार. देशिकन, अधर सचिव

ORDER

New Delhi, the 18th November, 1992

S.O. 2974.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (i) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under No. F. No. 673/119/92-Cus. VIII dated 18-8-92 under the said sub-section that Shri Juber Jumma Abdul Gani, R/o Haji Bang Building, Flat No. 9-10, Vakola Pipeline, Santacruz (E), Bombay-400 055, be detained and kept in custody in the Central Prison, Bombay, with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (i) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay, within 7 days of the publication of this order in the official Gazette.

[F. No. 673/119/92-Cus. VIII]

R. DESIKAN, Under Secy.

आदेश

नई दिल्ली, 18 नवम्बर, 1992

का.आ. 2975—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अन्तर्गत आदेश का. सं. 673/119/92-सं.गु.-8 तारीख 18-8-92 यह निदेश देते हुए जारी किया था कि श्री सुबोध शांतिलाल शाह उर्फ कमलेश शांतिलाल शाह, निवासी 'अखंड प्रोग्रेस' तृतीय तल, बिल्डिंग नं. 2, 8वीं रोड, शांता कुंज (पूर्व) बम्बई-400055 को गिरफ्तार कर लिया जाए और केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे ऐसे किसी प्रकार के कार्य करने से रोका जा सके जो कि विदेशी मुद्रा के संवर्धन के लिए हानिकारक हों।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है अतः उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए

यह निदेश देता है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आश्रय, बम्बई के समक्ष हों।

[फा.सं. 673/120/92-सं.पु.-8]

आरं. देशिकन, अवर सचिव

ORDER

New Delhi, the 18th November, 1992

S.O. 2975.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (i) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under No. F. No. 673/20/92-Cus. VIII dated 18-8-92 under the said sub-section that Shri Sunil Shantilal Shah @ Kamlesh Shantilal Shah, R/o "Akhand Jyoti", 3rd Floor, Building No. 2, 8th Road, Shantacruz (E), Bombay-400 055, be detained and kept in custody in the Central Prison, Bombay, with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (i) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay, within 7 days of the publication of this order in the official Gazette.

[F. No. 673/120/92-Cus. VIII]

R. DESIKAN, Under Secy.

आदेश

नई दिल्ली, 18 नवम्बर, 1992

का.आ. 2976.—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और सस्करों निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/120/92-सं.पु.-8 तारीख 26-8-92 यह निदेश देते हुए जारी किया था कि श्री मोहम्मद रफ़ेक अली पटेल उर्फ राजु शाही, निवासी 1/2 विश्राम सोसाइटी, वेद रोड, सुरात को गिरफ्तार कर लिया जाए और केन्द्रीय कारागार, अहमदाबाद में अतिरिक्त में रखा जाए ताकि उसे ऐन ऐन में भी गतिविधियों में शामिल होने से रोका जा सके जो कि देश का विदेशी मुद्रा के संवर्धन के लिए हानिकारक हों।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः प्रथम केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आश्रय, बम्बई, के समक्ष आना आवश्यक है।

[फा.सं. 673/120/92-सं.पु.-8]

आरं. देशिकन, अवर सचिव।

ORDER

New Delhi, the 18th November, 1992

S.O. 2976.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (i) of Section

3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/189/92-Cus. VIII dated 26-9-82 under the said sub-section that Shri Mohd. Rafiq Ali Patel @ Rajubhai, R/o 1/2, Vishram Society, Ved Road, Surat, be detained and kept in custody in the Central Prison, Ahmedabad, with a view to preventing him from indulging in activities prejudicial to the augmentation of country's foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (i) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Director General of Police, Gujarat Gandhi Nagar, within 7 days of the publication of this order in the official Gazette.

[F. No. 673/129/92-Cus. VIII]

R. DESIKAN, Under Secy.

(केन्द्रीय प्रशासनिक सं. 2)

नई दिल्ली, 18 नवम्बर, 1992

आदेश

का.आ. 2977.—आयकर अधिनियम, 1961 (1961 का 47) की धारा 138 की उपधारा (1) के खण्ड (क) के उपखंड (ii) के अन्वय में केन्द्रीय सरकार एतद्वारा राज्य सरकारों, हरियाणा में कार्यरत पुलिस प्रशासन के अधिकारियों के तथा उच्च उच्च अधिकारियों को उक्त उप खण्ड के प्रयोजनार्थ निर्दिष्ट करती है।

[प्रतिज्ञा संख्या 9125/फा.सं. 225/77/90-आयकर नि-2]

आजय कुमार, अवर सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 16th November, 1992

INCOME-TAX

S.O. 2977.—In pursuance of sub-clause (ii) of clause (a) of sub-section (1) of Section 138 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby specifies all the officers of and above the rank of Superintendent of Police serving in the State Vigilance Bureau, Haryana for the purpose of the said sub-clause.

[Notification No. 9125/F. No. 225/77/90-ITA-II]

AJAY KUMAR, Under Secy.

(वैकिक प्रकाश)

नई दिल्ली, 18 नवम्बर, 1992

का.आ. 2978.—बैंक कार्य विनियमन अधिनियम 1949 (1949 का 10) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत में बैंक के गिरफ्तार पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10-ख की उप धारा (1) तथा (2) के उपखंड (क) को अमर नि. पर 29 सितम्बर, 1992 से 28 सितम्बर 1992 तक लागू करने के अर्थ में यहाँ के अथवा बैंक के निर्दिष्ट पूर्णकालिक अधिकारियों के नियुक्ति होने तक, इनमें से जो भी पहले हो, लागू नहीं होंगे।

[संख्या 15/10/92-सं.आ.प. (i)]

के.के. मंगल, अवर सचिव

(Banking Division)

नई दिल्ली, 30 अक्टूबर, 1992

New Delhi, the 28th October, 1992

S.O. 2978.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-sections (1) and (2) of section 10-B of the said Act shall not apply to the Bank of Madura Limited for a period of three months from 29th September, 1992 to 28th December, 1992 or till the appointment of a regular wholetime Chairman for that bank, whichever is earlier.

[No. 15/10/92-B.O.A.(7)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 28 अक्टूबर, 1992

का.प्र. 2979.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10-ब(1) तथा (2) के उपबन्ध लागू होने तक, एतद्वारा प्रस्तावित, 1992 से 31 अक्टूबर, 1992 तक के तब तक की अवधि के लिये प्रस्तावित बैंक के नियमित पूर्णकालिक अध्यक्ष की नियुक्ति होने तक, इनमें से जो भी पहले हो, लागू नहीं होंगे।

[संख्या 15/10/92-बी.ओ.-II.]

के.के. मंगल, अवर सचिव

New Delhi, the 28th October, 1992

S.O. 2979.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India hereby declares that the provisions of Section 9 of the said Act shall not apply to Punjab Cooperative Bank Limited till 9th July, 1993 in respect of the immovable property consisting of a 34 storeyed building bearing Municipal No. 5483 to 5494/1 and situated at the corner of Ghanta-ghar, Chandni Chowk, and Nai Sarak, Delhi-6.

[No. 15/12/88-B.O. III]

K. K. MANGAL, Under Secy.

नई दिल्ली, 29 अक्टूबर, 1992

का.प्र. 2980.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबन्ध, कैथोलिक सिरियन बैंक लि. पर, कोयम्बरूर तालुका के ग्राम पलाथुरई में उसके द्वारा धारित 9 एकड़ 44 1/2 सेंट्स की भू-सम्पत्ति पर 7 जुलाई, 1992 तक की अवधि तक लागू नहीं होंगे।

[संख्या 15/9/92-बी.ओ.ए.]

के.के. मंगल, अवर सचिव

New Delhi, the 29th October, 1992

S.O. 2980.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to the Catholic Syrian Bank Ltd. for a period upto 7th July, 1994 in respect of the landed property measuring 9 acres and 44 1/2 cents held by it at Palathurai village in Coimbatore Taluk.

[No. 15/9/92-BOA]

K. K. MANGAL, Under Secy.

का.प्र. 2981.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10-ब की उपधारा (1) तथा (2) के उपबन्ध लागू होने तक, एतद्वारा प्रस्तावित, 1992 से 31 अक्टूबर, 1992 तक के तब तक की अवधि के लिये प्रस्तावित बैंक के नियमित पूर्णकालिक अध्यक्ष की नियुक्ति होने तक, इनमें से जो भी पहले हो, लागू नहीं होंगे।

[संख्या 15/4/92-बी.ओ.ए. (1)]

के.के. मंगल, अवर सचिव

New Delhi, the 30th October, 1992

S.O. 2981.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-sections (1) and (2) of section 10-B of the said Act shall not apply to the Lord Krishna Bank Limited for a period of three months from 1st August, 1992 to 31st October, 1992 or till the appointment of a regular wholetime Chairman for that bank, whichever is earlier.

[No. 15/4/92-B.O.A.(1)]

K. K. MANGAL, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 4 नवम्बर, 1992

का.प्र. 2982.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10-ब की उपधारा (1) और (2) के उपबन्ध, बनारस स्टेट बैंक लिमिटेड पर 27 अक्टूबर, 1992 से 26 जनवरी, 1993 की तीन माह की अवधि के लिए या नए अध्यक्ष एवं मुख्य कार्यपालक अधिकारी के पदभार ग्रहण करने तक, इनमें से जो भी पहले हो, लागू नहीं होंगे।

[संख्या 15/11/92-बी.ओ.ए. (i)]

के.के. मंगल, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 4th November, 1992

S.O. 2982.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-sections (1) and (2) of section 10-B of the said Act shall not apply to the Benares State Bank Ltd. for a period of three months from 27th October, 1992 to 26th January, 1993 or till the appointment of a regular wholetime Chairman for that bank, whichever is earlier.

No. 15/11/92-BOA(1)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 12 नवम्बर, 1992

(व्यय विभाग)

का.आ. 2983:—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 51 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, भारतीय रिजर्व बैंक की सकारण पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 11 का उपधारा (1) के प्रावधान भोपाल नागरिक सहकारी बैंक लि., भोपाल पर इस अधिसूचना के राजपत्र में प्रकाशित होने की तारीख से 30 जून, 1994 तक की अवधि के लिए लागू नहीं होंगे।

[फ. सं. 10 (2)/91-विकास]

नेजिन्दर सिंह लश्चर, संयुक्त निदेशक

New Delhi, the 12th November, 1992

S.O. 2983.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Sub-Section (1) of Section 11 of the said Act shall not apply to the Bhopal Nagarik Sahakari Bank Ltd., Bhopal for the period from the date of publication of this notification in the Gazette of India upto 30th June, 1994.

[F. No. 10(2)/91-Dev.]

TEJINDER SINGH LASCHAR, Jt. Director

(बीमा प्रभाग)

नई दिल्ली, 18 नवम्बर, 1992

का.आ. 2984 :—बीमा अधिनियम, 1938 (1938 का 4) की धारा 27-बी की उपधारा (i) के खण्ड (जे) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारतीय माघारण बीमा निगम द्वारा जन वित्तीय संस्थाओं जैसे भारतीय औद्योगिक विकास बैंक, औद्योगिक वित्त निगम तथा आय.सी.आय.सी. आय. आदि के जमा प्रमाण पत्रों पर लगाई गई धनराशि को उक्त धारा के प्रयोजन के लिए "अनुमोदित" निवेश घोषित करती है।

[फा.सं. 131 (1)/बीमा I/90]

जी.सी. बसुमातारी, उप सचिव

(INSURANCE DIVISION)

New Delhi, the 18th November, 1992

S.O. 2984.—In exercise of the powers conferred by Clause (i) of Sub-Section (1) of Section 27B of the Insurance Act, 1938 (4 of 1938) the Central Government hereby declares the placement of money by General Insurance Corporation of India in Certificates of Deposit issued by public financial institutions such as IDBI, IFCI, ICICI, etc. as "Scheduled" Investment for the purpose of the said Section.

[F. No. 131(1)/Ins. IV/90]

G. C. BASUMATARI, Dy. Secy.

नई दिल्ली, 16 नवम्बर, 1992

का.आ. 2985 :—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की देखरेख) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के वित्त मंत्रालय, (व्यय विभाग) की अधिसूचना सं. का.आ. 334, तारीख 11 दिसम्बर, 1985 को अधिकांत करते हुए, नीचे की अनुसूची के स्तंभ (1) में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी हैं उक्त अधिनियम के प्रयोजन के लिए संपदा अधिकारी नियुक्त करती है, जो उक्त अनुसूची के स्तंभ (2) में की तत्स्थानी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों के सम्बन्ध में अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उन पर अधिरोपित कर्तव्यों का पालन करेगा।

सारणी

अधिकारी का पदनाम	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
ज्येष्ठ उप महालेखाकार (प्रशासन)/उप महालेखाकार (प्रशासन) प्रधान महालेखाकार (लेखापरीक्षा) I का कार्यालय, आंध्र प्रदेश, हैदराबाद।	हैदराबाद और सिकंदराबाद नगरों में प्रधान महालेखाकार (लेखापरीक्षा) आंध्र प्रदेश के प्रशासनिक नियंत्रण के अधीन सरकारी स्थान तथा सैफाबाद और युसुफगुडा में स्थित स्टाफ क्वार्टर्स।

[फा. सं. ए-11013/2/85-ई.जी. I]

नारायण दास, अवसर सचिव

(Department of Expenditure)

New Delhi, the 16th November, 1992

S.O 2985—In exercise of the powers conferred by section 3 of the Public premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Expenditure), No. S.O. 334, dated 11th December, 1985, the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being Gazetted Officers of the Government to be Estate Officers for the purpose of the said Act, who shall exercise the powers conferred, and perform the duties imposed on the Estate Officers by or under the said Act, within the local limits of their jurisdiction in respect of the

public premises specified in the corresponding entry in column (2) of the said Table.

TABLE

Designation of Officers	Categories of Public premises and local limits of jurisdiction.
(1)	(2)
Senior Deputy Accountant General (Administration)/ Deputy Accountant General (Administration) Office of the Principal Accountant General (Audit) I, Andhra Pradesh, Hyderabad.	Public premises under the administrative control of Principal Accountant General (Audit) I, Andhra Pradesh in cities of Hyderabad and Secunderabad and staff quarters situated at Saifabad and Yousufguda.
[F.No. A-11013/2/85-EG.I] NARAIN DASS, Under Secy.	

वाणिज्य मंत्रालय

नई दिल्ली, 16 नवम्बर, 1992

(रबर नियंत्रण)

का.भा. 2986:—केंद्रीय सरकार, रबर अधिनियम, 1947 (1947 का 24) की धारा 6क की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री जार्ज जैकब, उप निदेशक (विपणन) रबर बोर्ड, कोट्टायम को 1 अक्टूबर, 1992 के अपराह्न से, जिस दिन उन्होंने कार्यभार ग्रहण किया था, रबर बोर्ड, कोट्टायम का सचिव नियुक्त करती है।

[फा.सं. 17(8)/92-प्लांट (बी)]

सी.ए. भास्करन, अवर सचिव

MINISTRY OF COMMERCE

New Delhi, the 16th November, 1992

(RUBBER CONTROL)

S.O. 2986.—In exercise of the powers conferred by sub-section (2) of section 6A of the Rubber Act, 1947 (24 of 1947), the Central Government hereby appoints Shri George Jacob, Deputy Director (Marketing), Rubber Board, Kottayam as Secretary, Rubber Board, Kottayam with effect from the afternoon of the 1st day of October, 1992, the day he took over charge.

[F. No. 17(8)/92-Plant(B)]

C. A. BHASKARAN, Under Secy.

आदेश

नई दिल्ली, 18 नवम्बर, 1992

का. भा. 2987:—केंद्रीय सरकार ने, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा

प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का. भा. 3332 तारीख 20 जून, 1985 का संशोधन करने के लिए कनिष्ठ प्रस्ताव बनाए है, जिन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षानुसार भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का. भा. 1427 तारीख 6 जून, 1992 के अधीन भारत के राष्ट्रपति तारीख 6 जून 1992 में प्रकाशित किया गया था,

और उक्त आदेश के राजपत्र में प्रकाशित होने के 45 दिनों के भीतर उन सभी व्यक्तियों से आक्षेप और सुझाव मागे गए थे जिनके उनमें प्रभावित होने की संभावना थी,

और उक्त राजपत्र की प्रतियां जनता को 9 जुलाई, 1992 को उपलब्ध करा दी गयी थी,

और केन्द्रीय सरकार ने उक्त प्रारूप के संबंध में जनता से प्राप्त आक्षेप और सुझावों पर विचार कर लिया है,

अतः, केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्यात निरीक्षण परिषद् से परामर्श करने के पश्चात्, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. भा. 3332 तारीख 20 जून, 1985 के अधीन प्रकाशित आदेश का और संशोधन करने के लिए निम्नलिखित आदेश करती है, अर्थात्:—

उक्त आदेश में,—

(क) पैरा 3 के नीचे की प्रविष्टियों में सूची मछली की निम्न लिखित क्रमों से संबंधित क्रम सं. 8, 10, 11, 12, 13, 37 और 38 का क्रमशः तोप किया जाएगा, अर्थात्:—

क्रिस	वैज्ञानिक नाम (जाति)
स्ट्रेटस/एनचोविस	स्टोलफोरस एनचोविस
कूने (जावला)	पीनिप्रस (छोटा)
शील रहित झींगे	पीनिप्रस मैटापीनिप्रस पैरापिना ओपसिस
शील सहित झींगे (कहीं)	पीनिप्रस मैटापीनिप्रस पैरापिना ओपसिस
शाक	कारचारिस मिफरवा प्रिसटिस गैलियोरडा
शष्क म्यूबई डक	हूपोइन मेहरिप्रस
लेमिनेटड म्यूबई डक	हूपोइन मेहरिप्रस

(ख) उक्त आदेश के उपबंध में सूची मछली के निम्न प्रकारों से संबंधित क्रम सं. 8, 10, 11, 12, 13, 37 और 38 और उनसे संबंधित प्रविष्टियों का क्रमशः तोप किया जाएगा, अर्थात्:—

क्रिस	वैज्ञानिक नाम (जाति)
स्ट्रेटस/एनचोविस	स्टोलफोरस एनचोविस
कूने (जावला)	पीनिप्रस (छोटा)
शील रहित झींगे	पीनिप्रस मैटापीनिप्रस पैरापिना ओपसिस
शील सहित झींगे (कहीं)	पीनिप्रस मैटापीनिप्रस पैरापिना ओपसिस
शाक	कारचारिस मिफरवा प्रिसटिस गैलियोरडा
शष्क म्यूबई डक	हूपोइन मेहरिप्रस
लेमिनेटड म्यूबई डक	हूपोइन मेहरिप्रस

[फाईल सं. 8(9)/89—ई आर्ष एण्ड ई पी]

सुमा मुद्रण, निदेशक

पात्र टिप्पण :

मूल अधिनियम भारत के राजपत्र भाग II, खंड 3, उपखंड (ii) के पृष्ठ 3849-65 पर का. भा. सं. 3332 तारीख 20 जून, 1985 द्वारा प्रकाशित की गयी और उसका का. भा. सं. 2835 तारीख 10 नवम्बर, 1990 द्वारा संशोधन किया गया।

ORDER

New Delhi, the 18th November, 1992

S.O. 2987.—Whereas in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government had formulated certain proposals for amending the Order of the Government of India in the Ministry of Commerce, No. S.O. 3332, dated the 20th June, 1985 and published in the Gazette of India, dated the 6th June, 1992 under the Order of the Government of India in the Ministry of Commerce, No. S.O. 1427, dated the 6th June, 1992 as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

And whereas, the objections and suggestions were invited within forty-five days of the publication of the said order in the Official Gazette from all persons likely to be affected thereby;

And whereas the copies of the said Gazette were made available to the public on 9th July, 1992;

And whereas objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Export Inspection Council, hereby makes the following order further to amend the Order published under the notification of the Government of India in the Ministry of Commerce, No. S.O. 3332, dated the 20th June, 1985, namely:—
In the said order,—

(a) in the entries below paragraph 3, Sl. Nos. 8, 10, 11, 12, 13, 37 and 38 relating to the following varieties of Dried Fish shall respectively be omitted, namely:—

Variety	Scientific Name (Species)
Spratts/Anchovis	Stolephorous/Anchovilla
Kooney (Jawla)	Penaeus (small)
Prawns without shell	Penaeus, Metapenaeus
Prawns with shell	Parapanaeopsis
(Kardi)	Penaeus, Metapenaeus Parapanaeopsi
Shark	Carcharinus. Sphyrana
Dried Bombay Duck	Prists Galeourda
Laminated Bombay Duck	Harpoden nehereus
	Harpoden nehereus

(b) in the annexure to the said order, Sl. Nos. 8, 10, 11, 12, 13, 37 and 38 relating to the following varieties of Dried Fish and the entries relating thereto shall respectively be omitted, namely:—

Variety
Spratts/Anchovis
Kooney (Jawla)
Prawns with shell
Prawns with shell (kardi)
Shark
Dried Bombay Duck
Laminated Bombay Duck.

[F. No. 6(9)/89-EI&EP]

KUM. SUMA SUBBANNA, Director

FOOT NOTE:

The principal notification was published vide No. S.O. 3332, dated the 20th June, 1985 in the Gazette of India Part-II, Section 3. Sub-section (ii) page 3849-65 and amended vide No. S.O. 2835, dated 10th November, 1990.

आदेश

नई दिल्ली, 18 नवम्बर, 1992

का. भा. 2988.—केन्द्रीय सरकार ने, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार वाणिज्य मंत्रालय के मस्य चूर्ण से संबंधित आदेश सं. का. भा. 1149 तारीख 26 अप्रैल, 1980 को विखंडित करने के लिए कतिपय प्रस्ताव बनाए हैं जिन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम II के उपनियम (2) की श्रेष्ठानुसार भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का. भा. 1426 तारीख 6 जून, 1992 के अधीन भारत के राजपत्र तारीख 6 जून, 1992 में प्रकाशित किया गया था ;

और उक्त आदेश के राजपत्र में प्रकाशित होने के 45 दिनों के भीतर उन सभी व्यक्तियों से आक्षेप और सुझाव माँगे गए थे जिनके उनसे प्रभावित होने की संभावना थी,

और उक्त राजपत्र की प्रतियाँ जनता को 9 जुलाई, 1992 को उपलब्ध कराई गई थी,

और उक्त प्रस्तावों के संबंध में जनता से कोई आक्षेप या सुझाव प्राप्त नहीं हुए हैं;

अतः, केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्यात निरीक्षण परिषद् से परामर्श करने के पश्चात् भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का. भा. 1149 तारीख 26 अप्रैल, 1980 को विखंडित करती है।

[फाईल सं. 6/9/89-ईआईएण्डईपी]

सुमा सुबब्बन्ना, निदेशक

पात्र टिप्पण:—

मूल अधिनियम भारत के राजपत्र भाग II, खंड-3, उपखंड (ii) में वाणिज्य मंत्रालय की का. भा. सं. 1149 तारीख 26 अप्रैल, 1980 द्वारा प्रकाशित की गयी थी।

ORDER

New Delhi, the 18th November, 1992

S.O. 2988.—Whereas in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government had formulated certain proposals to rescind the Order of the Government of India in the Ministry of Commerce, No. S.O. 1149, dated the 26th April, 1980 relating to Fish meal and published in the Gazette of India dated 6th June, 1992 under the Order of the Government of India in the Ministry of Commerce, No. S.O. 1426 dated 6th June, 1992 as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964,

And whereas, objections and suggestions were invited within forty-five days of the publication of the said Order in the Official Gazette from all persons likely to be affected thereby;

And whereas the copies of the said Gazette were made available to the public on 9th July, 1992;

And whereas no objections or suggestions were received from the public on the said proposal;

Now, therefore, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Export Inspection Council, hereby rescinds the Order of the Government of India in the Ministry of Commerce, No. S.O. 1149, dated the 26th April, 1980.

[F. No. 6(9)/89-EI&EP]

KUM. SUMA SUBBANNA, Director

FOOT NOTE:

The principal Order was published vide Ministry of Commerce, No. S.O. 1149, dated 26th April, 1980 in the Gazette of India, Part-II, Section-3, Sub-Section (ii).

नई दिल्ली, 18 नवम्बर, 1992

का. आ. 2989.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए सूखी मछली निर्यात (निरीक्षण) नियम, 1985 का संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम सूखी मछली निर्यात निरीक्षण (संशोधन) नियम, 1992 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. सूखी मछली निर्यात (निरीक्षण) नियम, 1985 की अनुसूची में सूखी मछली के निम्न प्रकारों से संबंधित क्रम सं. 8, 10, 11, 12, 13, 37 और 38 और उससे संबंधित प्रविष्टियों का लोप किया जाएगा, अर्थात्:—

क्रियम	वैज्ञानिक नाम (जाति)
स्ट्रेट्स/एनचोविस	स्टोलकोरस/एनचोविसा
कूने/(जावला)	पीनिप्रस (छोटा)
शैल सहित झोमे	पीनिप्रस मैटापीनिप्रस पैराफिना प्रोपसिस
शैल सहित झोमे (बर्फी)	पीनिप्रस मैटापीनिप्रस पैराफिना प्रोपसिस
शाक	कारचारिनास सिकरना प्रिसटिस गेलिप्रोस्टा
गुष्क मुम्बई डक	हर्पोडन नेहुरिप्रस
लेमिनेटेड मुम्बई डक	हर्पोडन नेहुरिप्रस

[फाईल सं. 6/9/89—ई आई एण्ड ई पी]

सुमा सुब्बान्ना, निदेशक

पाद टिप्पण:—

मूल नियम का. आ. सं. 3332(ए) तारीख 20 जून, 1985 द्वारा प्रकाशित किए गए और उनका का. आ. सं. 2836 तारीख 10 नवम्बर, 1990 द्वारा संशोधन किया गया।

New Delhi, the 18th November, 1992

S.O. 2989.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules to amend the Export of Dried Fish (Inspection) Rules, 1985, namely:—

1. (1) These rules may be called the Export of Dried Fish Inspection (Amendment) Rules, 1992.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Schedule to the Export Dried Fish (Inspection) Rules, 1985, Sl. No. 8, 10, 11, 12, 13, 37 and 38 relating to the following varieties of Dried Fish and the entries relating thereto shall be omitted, namely:—

Variety	Scientific Name (Species)
Spratts/Anchovis	stolen horus/Anchovilla
Kooncy (Jawla)	Penaeus (Small)
Prawns without shell	Penaeus, Metapenaeus
Prawns with shell	Parapanaeopsis
(Kardi)	Penaeus, Metapenaeus
Shark	Carcharins, Sphyrana
Dried Bombay Duck	Harpodon nehereus
Laminated Bombay Duck	Pristis Galeourda
	Harponden nehereus.

[F. No. 6(9)-89-EI&EP]

KUM. SUMA SUBBANNA, Director

FOOTNOTE: The principal rules were published vide No. S.O. 3332(A), dated the 20th June, 1985 and amended vide No. S.O. 2836, dated 10th November, 1990.

नई दिल्ली, 18 नवम्बर, 1992

का. आ. 2990.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य और नागरिक आपूर्ति मंत्रालय की अधिसूचना सं. का. आ. 1150 तारीख 26 अप्रैल, 1980 द्वारा बनाए गए मत्स्य पूर्ण निर्यात (निरीक्षण) नियम, 1980 को निरसित करती है।

[फाईल सं. 6/9/89—ई आई एण्ड ई पी]

सुमा सुब्बान्ना, निदेशक

पाद टिप्पण:

मूल नियम भारत के राजपत्र भाग-II, खंड-3, उपखंड-(ii) तारीख 26 अप्रैल 1980 में का. आ. सं. 1150 तारीख 26 अप्रैल, 1980 द्वारा प्रकाशित किए गए थे।

New Delhi, the 18th November, 1992

Commerce and Civil Supply, No. S.O. 1150, dated 26th April, 1980.

S.O. 2990.—In exercise of the powers conferred by Section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby repeals the Export of Fish Meal (Inspection) Rules, 1980 made vide notification of the Government of India in the Ministry of

[F. No. 6(9)/89-EI&EP]
KUM. SUMA SUBBANNA, Director

FOOT NOTE : The principal rules were published vide No. S.O. 1150, dated 26th April, 1980 in the Gazette of India, Part-II, Section-3, Sub-Section (ii), dated 26th April, 1980.

नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

(नागरिक पूर्ति विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 16 नवम्बर, 1992

क्र.भा. 2991.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) को खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एवम् द्वारा अधिसूचित करता है कि जिस/जिन भारतीय मानक/मानकों, का/के बिबरण नीचे अनुसूची में दिया गया है/दिए गए हैं, वह/वे स्थापित हो गया है/ए गए हैं।

अनुसूची

क्रम संख्या	स्थापित भारतीय मानकों/मानक का वर्ष और शीर्षक	नए भारतीय मानक द्वारा अधिकृत भारतीय मानक की संख्या और वर्ष	स्थापित होने की तारीख
(1)	(2)	(3)	(4)
1.	आईएस: 653—1992—टिनोलियम सीट और टाईल्स—विशिष्ट (तीसरा पुनरीक्षण)	आईएस: 853—1980	1992-06-30
2.	आईएस: 874—1992—डैक्टोन मोनोहाइड्रेट—विशिष्ट (तीसरा पुनरीक्षण)	आईएस: 874—1975	1992-04-30
3.	आईएस: 1402—1992—बस्त्रादि —वायुमयनिक प्रयोजनों हेतु मुद्रित बुनी ओरी (दूसरा पुनरीक्षण)	आईएस: 1402—1979	1992-06-30
4.	आईएस: 1570 (भाग-7)—1992—पिटवां इस्पात की अनुसूची, भाग 7 उच्च ताप सेवाओं के लिए इस्पात (तीसरा पुनरीक्षण)	—	1992-05-31
5.	आईएस: 2415—1992—साइकिल—रबड़ के ट्यूब—विशिष्ट (दूसरा पुनरीक्षण)	आईएस: 2415—1969	1992-06-30
6.	आईएस: 4508—1992—खुले सिरे वाली स्विंग रिब (पाते)—विशिष्ट (पहला पुनरीक्षण)	आईएस: 4508—1968	1992-06-30
7.	आईएस: 4509—1992—छल्ला स्विंग रिब (पाते)—विशिष्ट (पहला पुनरीक्षण)	आईएस: 4509—1968	1992-05-31
8.	आईएस: 5031—1992—आरी—धातु मिरी—विशिष्ट (दूसरा पुनरीक्षण)	आईएस: 5031—1978	1992-06-30
9.	आईएस: 6907—1992—इस्पात की ब्लाइड्स समूचे घेने की विधियां (पहला पुनरीक्षण)	आईएस: 6907—1973	1992-04-30
10.	आईएस: 7916—1992—खुली पावर बैनल—रीति संश्लेष (पहला पुनरीक्षण)	आईएस: 7916—1975	1992-05-31
11.	आईएस 10738 (भाग 4 सीक-2)—बेबगाइड के लिए परत—विशिष्ट भाग 4 बूसाकार बेबगाइड के लिए परत खंड 2 परत टाइप जे		1992-05-31

(1)	(2)	(3)	(4)
12.	आईएस: 10738 (भाग 5 सैक 2)---1992---वेवगाइड के लिए पसैज---विशिष्ट भाग 5 मध्यम पसैट आयतकार वेवगाइड के लिए पसैज खंड 2 पसैज टाइप एस	---	1992-05-31
13.	आईएस: 12818---1992---वैद्य कद/मलकूप के लिए अप्पास्टिकृत पीपीसी स्टीन केसिंग पाइप---विशिष्ट (पहला पुनरोक्षण)	आईएस: 12818---1989	1992-05-31
14.	आईएस: 12966 (भाग 1)---1992 बांधों में गैसरियो और ग्रन्थ डारों के लिए रीति संहिता भाग 1 सामान्य अपेक्षाएं	---	1992-04-30
15.	आईएस: 12970 (भाग 6/सैक 1) 1992---ग्रंथालक युक्तियों---इटीमेटेड परिपथ भाग 6 गहूजास इटीमेटेड परिपथ, मापन विधियां खंड 1 सामान्य	---	1992-05-31
16.	आईएस: 13358 (भाग 2) 1992---एरोमैटिक पौधों की खेतीबाड़ी---रीति संहिता भाग 2 नीबू आम	---	1992-06-30
17.	आईएस: 13360 (भाग 5/सैक 12) 1992---प्लास्टिक परीक्षण की विधियां भाग 5 यांत्रिक गुणधर्म खंड 12 गेद पर गहूडे द्वारा कटोरता का निर्धारण	---	1992-06-30
18.	आईएस: 13369---1992---मोनोम्याक धारक में ग्रन्थ सीसा ग्रन्थ बैटरियां (नलिकाकार घमात्मक प्लेट वाले)---विशिष्ट	---	1992-05-31
19.	आईएस: 13385---1992---ग्रन्थनामक---50 सिहर धारिता पहिया लगे, जल टाछा (गैस कार्टिज)---विशिष्ट	---	1992-05-31
20.	आईएस: 13386---1992---ग्रन्थनामक---60 मिटर धारिता यांत्रिक भाग टाइप---विशिष्ट	---	1992-05-31
21.	आईएस: 13398---1992---पशु आहार ब्रेड---शैवाल स्पिड लाइमा---विशिष्ट	---	1992-06-30
22.	आईएस: 3400 ---1992---मांस और मांस उत्पाद---निकन सांस---विशिष्ट	---	1992-06-30
23.	आईएस: 13409---1992---उष्ण आकृति ट्रांसरिसोवर---विशिष्ट	---	1992-05-31
24.	आईएस: 13412 (भाग 1)---1992---ड्रासफार्मर और प्रेरक हेतु परतदार कोड दूरसंचार और इलेक्ट्रानिक उपकरणों में प्रयुक्त	---	1992-06-30
25.	आईएस: 13413 (भाग 1)---1992---दूरसंचार और इलेक्ट्रानिक उपकरणों में प्रयुक्त ट्रासफार्मरों और प्रेरक हेतु कोड और एलेम्बलियों के पदनाम भाग 1 परतदार कोड	---	1992-06-30
26.	आईएस: 13415---1992---भवनों के अन्दर तथा बाहर रखी बैरियर---मृत्ता संहिता	---	1992-05-31
27.	आईएस: 13419---1992---नदी घाटी परियोजनाओं में प्रयुक्त ट्रीकिंग और मलाइडिंग के इकाई दर विश्लेषण का प्रोफार्मा	---	1992-05-30
28.	13422---1992---एक बार प्रयोग के लिए शन्यक्रिया हेतु खड्ड के दस्ताने---विशिष्ट	---	1992-06-30
29.	आईएस: 13424---1992---तहाने के सामन की बट्टियां और टॉयलेट साबून की बट्टियों की निरापवता का मूल्यांकन	---	1992-05-31
30.	आईएस: 13426---1992---पशुआहार और आहारगामवी टांकीम विश्लेषण हेतु नमूने लेने की विधियां	---	1992-05-31
31.	आईएस: 13428-1992---खनिज जल---विशिष्ट	---	1992-05-31

(1)	(2)	(3)	(4)
32.	आईएस: 1345 (भाग 4)--1992--एकलविक साधारणपॉलीमर जलसह सामग्री-गरीब विधि भाग 4 पोएन यूएन का निर्धारण	---	1992-06-30
33.	आईएस: 13439--1992--एलोडिन--मच्छर भगाने वाली नेट-- विशिष्ट	---	1992-06-30
34.	आईएस: 13446--1992--बड़ी इलायची--विशिष्ट	--	1992-05-31
35.	आईएस: 13457--1992--हुपि कीट नाली--इन्टिमेडियन ड्यू पी--विशिष्ट	--	1992-06-30
36.	आईएस: 13458--1992--एचि कीट नाली--मेपेलेकमन तकनीकी ग्रेड--विशिष्ट	--	1992-06-30
37.	आईएस: 13460--1992--मोटर वाहन--टाईंग वाहन और ट्रेलर के बीच विद्युत कनेक्शन, 6 या 12 वी विद्युत उपस्कर टाइप 12 एस (पूरक)	--	1992-06-30
38.	आईएस: 13461--1992--मोटर वाहन--टाईंग वाहन और ट्रेलर के बीच विद्युत कनेक्शन, 6 या 12 वी विद्युत उपस्कर टाइप 12 एन (सामान्य)	--	1992-06-30
39.	आईएस: 13465 (भाग 1)--1992--विद्युत संस्थापन में प्रयुक्त बिनायक रहित पॉलीमर बनने योग्य रेडिनीय यौगिक--विशिष्ट भाग 1 परिभाषा और सामान्य प्रपेशाएँ	---	1992-06-30

इन मानकों की प्रतियाँ भारतीय मानक ब्यूरो के मानक भवन, 9 बहादुर शाह जकर मार्ग, नई दिल्ली- 110002 और क्षेत्रीय कार्यालयों बम्बई, कलकत्ता, चंडीगढ़, मद्रास और साखा कार्यालयों प्रहमबाबाव, वेगलोर, भोपाल, भुवनेश्वर, गुवाहाटी, हैबराबाद, जयपुर, पटना और त्रिचेद्रम में बिक्री के लिए उपलब्ध हैं।

[सं. के. प्र. वि/13-127]

एन. योनिशानन, जवर मंत्राविदेश

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 16th November, 1992

S.O. 2991.—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, The Bureau of Indian Standards hereby notifies that the Indian Standard(s), Particulars of which is/are given in the Schedule hereto annexed, has/have been established on the date indicated against each:

SCHEDULE

Sl. No.	No. Year and Title of the Indian Standard(s) Established	No. and year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Date of Establishment
1	2	3	4
1.	IS : 653-1992 Linoeum sheets and tiles—Specification (Third Revision)	IS : 653-1980	1992-06-30
2.	IS : 874 : 1992 Dextrose Monohydrate—Specification (Third Revision)	IS : 874 : 1975	1992-04-30

1	2	3	4
3.	IS : 1402 : 1992 Textiles—Braided cotton cord for aerospace purposes—Specification (Second Revision)	IS : 1402 : 1979	1992-06-30
4.	IS : 1570 (Part 7) : 1992 Schedule for wrought steels Part 7 Steels for elevated temperature service (Creep resistant steels)	—	1992-05-31
5.	IS : 2415 : 1992 Cycles-rubber tubes—Specification (Second Revision)	IS : 2415 : 1969	1992-06-30
6.	IS : 4508 : 1992 Open ender slugging wrenches (Spanners) Specification (First Revision)	IS : 4508 : 1968	1992-06-30
7.	IS : 4509 : 1992 Ring slugging wrenches (Spanners)—Specification (First Revision)	IS : 4509 : 1968	1992-05-31
8.	IS : 5031 : 1992 Saws-metal slitting—Specification (Second Revision)	IS : 5031 : 1978	1992-06-30
9.	IS : 6907 : 1992 Steel castings—methods of sampling (First Revision)	IS : 6807 : 1973	1992-04-30
10.	IS : 7916 : 1992 Open power channels—Code of practice (First Revision)	IS : 7916 : 1975	1992-05-31
11.	IS : 10738 (Part 4/Sec 2) : 1992 Flanges for waveguides—Specification Part 4 Flanges for circular waveguides Section 2 Flange type J	—	1992-05-31
12.	IS : 10738 (Part 5/Sec 2) : 1992 Flanges for waveguides Specification Part 5 Flanges for medium flat rectangular waveguides Section 2 Flange type L	—	1992-05-31
13.	IS : 12818 : 1992 Unplasticized PVC screen and casing pipes for be-tubewell—Specification (First Revision)	IS : 12818 : 1989	1992-05-31
14.	IS : 12966 (Part 1) : 1992 Code of practice for galleries and other openings in dams Part 1 General requirements	—	1992-04-30
15.	IS : 12970 (Part 6/Sec 1) : 1992 Semiconductor devices-integrated circuits Part 6 Analogue integrated circuits, measuring methods Section 1 General.	—	1992-05-31
16.	IS : 13358 (Part 2) : 1992 Cultivation of aromatic plants—Code of practice Part 2 Lemongrass	—	1992-06-30
17.	IS : 13360/Part 5/Sec 12) : 1992 Plastics — Methods of testing Part 5 Mechanical properties Section 12 Determination of ball indentation Hardness	—	1992-06-30
18.	IS : 13369 : 1992 Stationary lead-acid batteries (with tubular positive plates) in monobloc container—Specification	—	1992-05-31
19.	IS : 13385 : 1992 Fire extinguisher—50 litre capacity wheel mounted water type (gas carriage)—Specification	—	1992-05-31
20.	IS : 13386 : 1992 Fire extinguisher—60-litre capacity mechanical foam type—Specification	—	1992-05-31

1	2	3	4
21.	IS : 13393 : 1992 Alga SPIRULINA, feed grade -- Specification	—	1992-06-30
22.	IS : 13400 : 1992 Meat and Meat products—Chicken sausages—Specification	—	1992-06-30
23.	IS : 13409 : 1992 High frequency transceivers—Specification	—	1992-05-31
24.	IS : 13412 (Part 1) : 1992 Laminated core packages for transformers and inductors used in telecommunication and electronic equipment Part I Dimensions	—	1992-06-30
25.	IS : 13413 (Part 1) : 1992 Designation for cores and assemblies for transformers and inductors for use in telecommunication and electronic equipment Part 1 Laminated cores	—	1992-06-30
26.	IS : 13415 : 1992 Protective barriers in and around buildings Code of safety	—	1992-05-31
27.	IS : 13419 : 1992 Proforma for analysis of unit rate of shotcreting/guniting used in river valley projects	—	1992-05-31
28.	IS : 13422 : 1992 Disposable surgical rubber gloves—Specification	—	1992-06-30
29.	IS : 13424 : 1992 Safety evaluation of bathing bars and toilet soaps—Methods of test	—	1992-05-31
30.	IS : 13426 : 1992 Animal feeds and feeding stuffs—Methods of sampling for aflatoxin analysis	—	1992-05-31
31.	IS : 13428 : 1992 Mineral waters—Specification	—	1992-05-31
32.	IS : 1345 (Part 4) : 1992 Acrylic based polymer water-proofing materials—Methods of tests Part 4 Determination of pH value	—	1992-06-30
33.	IS : 13439 : 1992 Allethrin—Mosquito mats—Specification	—	1992-06-30
34.	IS : 13446 : 1992 Large cardamom—Specification	—	1992-05-31
35.	IS : 13457 : 1992 Pesticide—Deltamethrin WP—Specification	—	1992-06-30
36.	IS : 13458 : 1992 Pesticide—Metalaxyl technical Specification	—	1992-06-30
37.	IS : 13460 : 1992 Automotive vehicles—Electrical connections between towing vehicles and trailers with 6 or 12 V electrical equipment—Type 12 S (Supplementary)	—	1992-06-30
38.	IS : 13461 : 1992 Automotive vehicles—Electrical connections between towing vehicles and towed vehicles with 6 or 12 V Electrical equipment—Type 12 N (Normal)	—	1992-06-30
39.	IS : 13465 (Part 1) : 1992 Solventless polymerisable resinous compounds used for electrical insulation—Specification Part 1 Definitions and General Requirements	—	1992-06-30

Copies of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi 110002 and Regional Offices : Bombay, Calcutta, Chandigarh and Madras and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Guwahati, Hyderabad, Jaipur, Kolkata and Trivandrum.

[No. CMD/13 : 12]

N. SRINIVASAN, Addl. Director General

जल संवाहक

नई दिल्ली, 24 सितम्बर, 1992

का. आ. 2992—केन्द्रीय सरकार, सरकारी स्वामित्व (अध्याधिकृत अधिकारियों का बेदखनी) अधिनियम, 1971 (1971 का 40) को धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तत्प्रे सरणों के स्वामित्व (1) में वर्णित अधिकारियों का, जो सरकार के राजपक्षित अधिकारियों का समतुल्य पंक्ति के अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिए संवाद अधिकारी नियुक्त करता है, जो उक्त सरणों के स्वामित्व (2) को तत्समस्याओं प्रविष्ट में विनिर्दिष्ट सरकारी स्थानों को अपनी-अपनी अधिकारिता को स्वाभाविक समाजों के भावी उक्त अधिनियम द्वारा या उसके अर्जन संपदा अधिकारियों का प्रदत्त शक्तियों का प्रयोग और उन पर अनिवार्य कर्तव्यों का पालन करने।

अधिकारों का परामित्व सरकारी स्थानों के प्रती और अधिकारिता को स्वामित्व समाजों

(1)

(2)

श्री पो. मा. सेठा
उप कर्मिक प्रबंधक (प्रशा.)
प्रणालिक और संवत्त कामपदेकस,
नेशनल ऐलुमिनियम कंपनी
लिमिटेड, अंगुल।

उड़सा के घेतकानल अक्षे में
नेशनल ऐलुमिनियम कंपनी
लिमिटेड के स्थानिक में या इसे
पट्टे पर दिए गए स्थान
नेलको नगर

उत्तर-नालबेग भस्मपुर
रेल पटरा

दक्षिण-राष्ट्रीय राजमार्ग-42

पूर्व-कुलाद, गिरांग और बलराम
प्रसाद (केडुविप.साहू) ग्राम
बस्ती।

पश्चिम-कंडावार और बलराम प्रसाद
(मुनिग्रामा) ग्राम-बस्ती

भस्मताल (एन पोंड)

उत्तर-तन्दिरा नदी और कुकुडांग
ग्राम बस्ती

दक्षिण-तालबेग भस्मपुर रेल पटरा

पूर्व-बलराम प्रसाद ग्राम और
एफ. ना. आई. रोड

पश्चिम-कुडुडांग ग्राम बस्ती

प्रणालिक नगर (स्पेक्टर पोंड)

उत्तर-राष्ट्रीय राजमार्ग 42

दक्षिण-गुलामाल, कागुला और
गोपालापुर ग्राम, बस्ती
पश्चिम-बैरजंग सिवाई नहर।

बुधपंक से:

प्रणालिक संवत्त (स्पेक्टर प्लॉट)
तक रेल संवत्त मार्ग।

अंगुल तहसील के बुधपंक, अर्धतीपुर,
गोडामारा, बोंडा, गुलामाल,
कुलाद ग्राम और घेतकानल सहर
तहसील के ग्राम गंगलापुर में
अर्जित भूमि

पूर्व-गंगलापुर ग्राम, बस्ती

पश्चिम-प्रणालिक संवत्त (स्पेक्टर
प्लॉट)

तुकाती अल
व्यसन चैन

भस्म तलिका भाग
(एन पाइप कारिडर) :

2. श्री महेश कुमार मिश्रा
उपेड प्रशासनिक साधक,
प्रणालिक और संवत्त कामपदेकस,
नेशनल ऐलुमिनियम कंपनी,
लिमिटेड, अंगुल

220 के. बी.
उच्च बोलता में
साधक

ब्राह्मणों तदा में केडुविप विद्युत
संवत्त तक जल प्रदाय पाइप
साधक

ग्राम साधकमिश्रा में बस्म हाउस
की अर्जित भूमि

केडुविप विद्युत संवत्त

कुलाद में बोंडासाह तक व्यसन चैन
के लिए अंगुल तहसील के कुलाद
बोंडा, बोंडासाह और गोडामारा
ग्रामों में अर्जित भूमि।

ग्राम बलरामप्रसाद में
अर्जित भूमि।

उत्तर-बलरामप्रसाद ग्राम बस्ती
दक्षिण-बलरामप्रसाद (प्रणालिक)
बस्ती

पूर्व-केडुविप विद्युत संवत्त
पश्चिम-भस्मताल (एन पोंड)

केडुविप विद्युत संवत्त

उत्तर-गोडामारा और बलराम प्रसाद
साधकमिश्रा, प्रणालिक और
बलरामप्रसाद ग्राम बस्ती

दक्षिण-राष्ट्रीय राजमार्ग 42

पूर्व-बलरामप्रसाद साधकमिश्रा साधक
पश्चिम-कुलाद और गिरांग ग्राम
बस्ती।

ग्राम-कुलाद और गिरांग में अर्जित
भूमि

पूर्व-केडुविप विद्युत संवत्त
पश्चिम-नेलको नगर

अंगुल तहसील के ग्राम गोडामारा
और तालबेग तहसील के बलराम
प्रसाद नोनकाबुडो, नुवागल,
गोडामारा और साधकमिश्रा में अर्जित
भूमि।

उत्तर-ब्राह्मणों तदा

दक्षिण-केडुविप विद्युत संवत्त

उत्तर-ब्राह्मणों तदा

दक्षिण-ब्राह्मणों तदा ग्राम बस्ती

पूर्व-तन्दिरा नदी

पश्चिम-बलरामप्रसाद ग्राम बस्ती

--अंगुल तहसील के ग्राम गोडामारा,
बलरामप्रसाद, टेंडोलीई, टेंडोई
बलराम, पिगुसा, एकाधरिया,
कुकुडांग और तालबेग तहसील के
ग्राम गोडामारा, बलरामप्रसाद
करनापुर, गोडामारा और महेशपुर
में अर्जित भूमि।

[मं. 3 (14)/92-मेड 4]

सतीश चन्द्र, निदेशक

MINISTRY OF MINES

New Delhi, the 24th September, 1992

S.O. 2992—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below being Officers equivalent to the rank of Gazetted Officers of Government, to be Estate Officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the Estate Officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entry in column (2) of the said Table :

TABLE

Designation of the Officer	Categories of Public Premises and local limit of jurisdiction
(1)	(2)
Shri P.C. Sethi, Deputy Personnel Manager (Administration) Smelter & Plant Complex, National Aluminium Com- pany Ltd, Angul.	Premises owned by or leased to, National Aluminium Com- pany Ltd. in the District of Dhenkanal, Orissa.
	NALCO TOWNSHIP
	North—Talcher-Sambalpur Rai Line.
	South—N.H. ————42
	East—Kulad, Girang and Bala- ramprasad (Kendudhipasahi) Village Basti.
	West—Kandasar and Balaram- prasad (Suniamunda) Village Basti.
	ASH POND
	North—Nandira river and Kukudang village Basti.
	South—Talcher-Sambalpur rail line.
	East—Balaramprasad village and FCI road.
	West—Kurudol village Basti.
	SMELTER POND
	North—N.H.—42
	South—Tulasipal, Kangula and Gopinathpur village, Basti
	West—Derjang Irrigation Canal Rail Link from Budhapank to Smelter Plant.
	Acquired land in vilage Bu tha- pank, Apartipur, Gotamara, Bonda, Tulasipal, Kulad of Angul Tahasil and village Mangalapur of Dhenkanal Sadar Tahasil.
	East—Mangalapur village Basti.
	West—Smelter Plant.
	STORM WATER DISPOSAL CHANNEL
	Acquired land in village Kulad Bonda.

1	2
	Chauridiha and Nuahata of Angul Tahasil for disposal channel from Kulad to Chauridiha.
	Ash Pipe Corridor
	Acquired land in village Bala- ramprasad ;
	North—Balaramprasad village Basti.
	South—Balaramprasad (Amant pur) Basti.
	East—Captive Power Plant
	West—Ash Pond.
2. Shri Mahendra Kumar Misra, Senior Administrative Officer, Smelter & Plant Complex National Aluminium Company Limited Angul.	Captive Rail System
	North—Gotamara and Bala- ramprasad (Bhalijharasahi), Amantapur and Basalasahi Village Basti.
	South—N.H.—42
	East—Banarpal weekly market
	West—Kulad and Girang vil- lage Basti.
	220 KV HIGH TENSION LINE
	—Acquired land in village kulad and Girang.
	East—Captive Power Plant.
	West—NALCO Township.
	Water supply pipe line from river Brahman to captive power plant.
	—Acquired land in village Gota- mara of Angul Tahasil and Jhariamba, Tolakalundi, Naungan, Kholua and Linga- rakata of Talcher Tahasil.
	North—River Brahmani
	South—Captive Power Plant. Location of Pump House in Village Jhariamba
	North—Bramhani river
	South—Jhariamba village Basti.
	East—Nandira river
	West—Basanali village Basti.
	CAPTIVE POWER PLANT
	Acquired land in village Go a- mara Balaramprasad, Tenta- loi, Tentoi Khamana, Ping- gua, Ekagharia, Kukudeng of Angul Tahasil and Village Gobara, Bada Jorada, Karnapur, Baula- pur and Mahendrapur of Talcher Tahasil.

[No. 8(14)/92-Met. IV]

SATISH CHANDER, Director

कोयला मंत्रालय
नई दिल्ली, 9 नवम्बर, 1992

का. आ. 2993 —केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 7 की उपधारा (1) के अधीन भारत के राजपत्र, तारीख 9 जून, 1990 में प्रकाशित भारत सरकार के तत्काली ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का.आ. 1801, तारीख 4 जून, 1990 द्वारा उस अधिसूचना से उपाबंध अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि और उस पर के अधिकारों का अर्जन करने के अपने आणय की सूचना दी थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि—

- (क) इससे संलग्न अनुसूची "क" और अनुसूची "क-1" में वर्णित 29.17 हेक्टर (लगभग) या 72.08 एकड़ (लगभग) माप की भूमि; और
- (ख) इससे संलग्न अनुसूची "ख" में वर्णित 2142.84 हेक्टर लगभग या 5295.17 एकड़ (लगभग) माप की भूमि में खनिजों के खनन, खदान, बोर करने, उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों;

का अर्जन किया जाना चाहिए।

अतः केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि—

- (क) इससे संलग्न उक्त अनुसूची "क" और "क-1" में वर्णित 29.17 हेक्टर (लगभग) या 72.88 एकड़ (लगभग) माप की भूमि; और

- (ख) इससे संलग्न अनुसूची "ख" में वर्णित खनन अधिकार धारकी 2142.84 हेक्टर (लगभग) या 5295.17 एकड़ (लगभग) माप की भूमि में खनिजों के खनन, खदान बोर करने, उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त

करने, उन पर कार्य करने और ले जाने के

अधिकारों, का अर्जन किया जाता है।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक संख्यांक सी-ई/III/जे.जे.आर./477-0191, तारीख 17 जनवरी, 1991 का निरीक्षण कलक्टर, चन्द्रपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या वेस्टर्न कोलफील्ड्स लि. (राजस्व अनुभाग), कोल एस्टेट, सिबिल लाइन्स, नागपुर-440 001 (महाराष्ट्र) के कार्यालय में किया जा सकता है।

अनुसूची "क"

बंदर ब्लाक

बापी क्षेत्र

जिला चन्द्रपुर (महाराष्ट्र)

सभी अधिकार

क्र. सं.	ग्राम का नाम	पटवारी सफिल संख्यांक	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
3.	मुरपार तुकुम (आरक्षित वन भूमि)	4	चिमूर	चन्द्रपुर	14.17	भाग

क्र. सं.	डिबीजन का नाम	रेंज का नाम	उसमें पड़ने वाली शृंखला का नाम	तहसील	जिला	कम्पाटमेंट सं.	क्षेत्र हेक्टर में	टिप्पणियां
1.	ब्रह्मपुरी	चिमूर	बारोरा सी.एफ.एस. पी.बी.एफ.	चिमूर	चन्द्रपुर	26 ख	0.90	भाग

अनुसूची "क" का कुल क्षेत्र—15.07 हेक्टर (लगभग)

या 37.24 एकड़ (लगभग)

ग्राम मुरपार तुकुम में अर्जित प्लॉट संख्यांक :

57 भाग, 69, 81 से 88, 91 भाग, 95 से 103, 104 भाग, 105, नाला कम्पाटमेंट संख्यांक में अर्जित प्लॉट संख्यांक 26-ख भाग ।

सीमा वर्णन :

- ड.-ड.-1 : रेखा "ड." बिन्दु से प्रारंभ होती है और कम्पाटमेंट संख्या 26-ख से गुजरती है फिर मुरपार तुकुम ग्राम के प्लॉट संख्यांक 104 से गुजरती है और "ड.-1" बिन्दु पर मिलती है ।
- ड.-1-ड.-2 : रेखा, मुरपार तुकुम ग्राम में प्लॉट सं. 103, 102, 99, 69, 98, नाला, 81, 82 की बाह्य सीमा के साथ साथ और प्लॉट सं. 57 से गुजरती है और "ड.-2" बिन्दु पर मिलती है ।
- ड.-2-ड.-3-ड. 4 : रेखा, ग्राम मुरपार तुकुम में प्लॉट सं. 37 (भाग), 87, 88 की बाह्य सीमा के साथ-साथ और प्लॉट सं. 91 से गुजरती है फिर प्लॉट सं. 95, 96, 105, 101, 102, 103 की बाह्य सीमा के साथ-साथ जाती है और "ड. 4" बिन्दु पर मिलती है ।
- ड.-4-ड.-5-ड. : रेखा, ग्राम मुरपार तुकुम के प्लॉट सं. 104 से गुजरती है, फिर कम्पाटमेंट सं. 26-ख से गुजरती है और प्रारंभिक बिन्दु "ड." पर मिलती है ।

अनुसूची क-1

बंदर ब्लॉक

वाणी क्षेत्र

जिला चम्बरपुर (महाराष्ट्र)

सभी अधिकार

क्र. सं.	ग्राम का नाम	पटवारी सफिल सं.	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	बंदर	2	चिमूर	चम्बरपुर	14.10	भाग

सभी अधिकारी वाला कुल क्षेत्र—15.07 + 14.10 = 29.17 हेक्टर (संगमग)

अनुसूची क + क-1 या 37.24 + 34.84 = 72.08 एकड़ (संगमग)

ग्राम बंदर में अर्जित प्लॉट संख्यांक

15/1, 15/3, 15/4, 15/5, 16.

सीमा वर्णन :

- ख-च 1 : रेखा, "च" बिन्दु से प्रारंभ होती है और ग्राम बंदर में प्लॉट सं. 15/5, 15/4, 16, 15/1 की बाह्य सीमा के साथ-साथ गुजरती है और "च-1" बिन्दु पर मिलती है ।
- च 1-च 2 : रेखा, ग्राम बंदर में प्लॉट सं. 15/1 की बाह्य सीमा के साथ-साथ गुजरती है और "च-2" बिन्दु पर मिलती है ।
- च 2-च 3 : रेखा, ग्राम बंदर में प्लॉट सं. 15/1, 15/4, 15/3 की बाह्य सीमा के साथ-साथ गुजरती है और "च-3" बिन्दु पर मिलती है ।
- च-3-च : रेखा, ग्राम बंदर में प्लॉट सं. 15/3, 15/5 की बाह्य सीमा के साथ-साथ गुजरती है और "च" बिन्दु पर मिलती है ।

अनुसूची "ख"
बंदर ब्लॉक
वाणी क्षेत्र
जिला चन्द्रपुर (महाराष्ट्र)

खतन अधिकार

क्र. सं.	ग्राम का नाम	पटवारी सिकिल सं.	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	मिनजारी	4	चिमूर	चन्द्रपुर	5.53	भाग
2.	मजगांव रिथ	4	चिमूर	चन्द्रपुर	57.88	भाग
3.	कैट बोथली	4	चिमूर	चन्द्रपुर	49.32	पूर्ण
4.	मुरपार रिथ	4	चिमूर	चन्द्रपुर	162.34	पूर्ण
5.	मुरपार तुकुम	4	चिमूर	चन्द्रपुर	290.60	भाग
6.	सतोरी रिथ	4	चिमूर	चन्द्रपुर	107.38	पूर्ण
7.	पेठ मांसूली	3	चिमूर	चन्द्रपुर	17.92	भाग
8.	ममरपुरी	3	चिमूर	चन्द्रपुर	277.60	भाग
9.	पीटीचुवा	5	चिमूर	चन्द्रपुर	159.36	भाग

1127.93 हेक्टर (लगभग)
या 2787.23 एकड़ (लगभग)

खतन अधिकार (प्रारक्षित वन भूमि)

क्र. सं.	डिवीजन का नाम	रेंज का नाम	उसमें पड़ने वाली शृंखला का नाम	तहसील	जिला	कंपार्टमेंट सं.	क्षेत्र हेक्टर में	टिप्पणियां
1.	ब्रह्मपुरी	चिमूर	मांसली आई. डब्ल्यू. सी.	चिमूर	चन्द्रपुर	23-क	47.36	भाग
2.	ब्रह्मपुरी	चिमूर	बारोरा सी. एफ. एस. / पी. बी. आई.	चिमूर	चन्द्रपुर	23-ख	102.98	पूर्ण
3.	ब्रह्मपुरी	चिमूर	मिनजारी आई. डब्ल्यू. सी.	चिमूर	चन्द्रपुर	24	21.12	भाग
4.	ब्रह्मपुरी	चिमूर	मिनजारी आई. डब्ल्यू. सी.	चिमूर	चन्द्रपुर	25-क	44.80	भाग
5.	ब्रह्मपुरी	चिमूर	बारोरा सी. एफ. एस. / पी. बी. एस.	चिमूर	चन्द्रपुर	26-ख	305.45	भाग
6.	ब्रह्मपुरी	चिमूर	मांसली आई. डब्ल्यू. सी.	चिमूर	चन्द्रपुर	27	362.00	भाग

1	2	3	4	5	6	7	8	9
7.	ब्रह्मपुरी	चिमूर	भांसूली गम इच्छा सी.	चिमूर	चन्द्रपुर	33	131.20	भाग
				1014.91 हैक्टर (लगभग)				
				या 2507.94 एकड़ (लगभग)				

कुल खतम अधिकारी क्षेत्र—भन्नुमूवी "ग्र".

खतम अधिकारी (राजस्व भूमि + आरक्षित वन भूमि)—कुल क्षेत्र

1127.93 हैक्टर + 1014.91 हैक्टर = 2142.84 हैक्टर (लगभग)

या 2787.23 एकड़ + 2507.94 एकड़ = 5295.17 एकड़ (लगभग)

ग्राम मिनजारी में अर्जित प्लॉट संख्यांक :

80 भाग, 81 भाग, नाला भाग

ग्राम अजगांव रिथ में अर्जित प्लॉट संख्यांक :

35 से 55 तक, नाला भाग ।

ग्राम कंट बोथली में अर्जित प्लॉट संख्यांक :

1 से 19 तक, नाला

ग्राम मुरपार रिथ में अर्जित प्लॉट संख्यांक :

1 से 9 तक, 10/1—10/2—10/3—10/4—10/5, 11 से 80 तक, सड़क, नाला ।

ग्राम मुरपार तुकुम में अर्जित प्लॉट संख्यांक :

1 से 51, 52-132, 53 से 56, 57 भाग, 58 से 68, 70 से 80, 89, 90, 91 भाग, 92 से 94, 104 भाग, 106 से 131, 133 से 138, 139/1-139/2, 140 से 161, आबादी, सड़क, नाला ।

ग्राम सलोरी रिथ में अर्जित प्लॉट संख्यांक :

1 से 61, सड़क, नाला

ग्राम पेंठ भासूल में अर्जित प्लॉट संख्यांक :

123 से 126 तक, 127 भाग

ग्राम अमरपुरी में अर्जित प्लॉट संख्यांक :

1 से 6 तक, 27, 28-क-28-ख-28-ग, 29 से 34 तक, 35/1, 35/2, 35/3, 35/4, 35/5, 36 से 39 तक, 40/1, 40/2, 40/3, 40/4, 40/5, 40/6, 40/7, 40/8, 40/9, 40/10, 40/11, 40/12, 40/13, 40/14, 40/15, 40/16, 40/17, 40/18, 40/19, 40/20, 40/21, 40/22, 40/23, 40/24, 40/25, 40/26, 40/27, 40/28, 40/29, 40/30, 40/31, 40/32, 41 से 54 तक, 55 भाग, 61, 62 भाग, 64 भाग, 68/1, 68/2, 68/3-क, 68/3-ख, 68/4, 69/1, 69/2, 70/1, 70/2, 70/3, 70/4, 70/5, 70/6, 70/7, 70/8-क, 70/9-क, 70/10-ख, 70/11, 70/12-ख, 70/13, 70/14, 70/15-ग, 70/16-घ, 71 से 77 तक, 78/1, 78/2, 78/3, 78/4, 78/5, 78/6, 78/7, 78/8, 78/9—78-9 क, 78/10-क, 78/10-ख, 79 से 85 तक, 86-क,—86-ख-86-ग, 87 से 103 तक, 104-क, 104-ख, 104-ग, 105 से 126 तक, आबादी वाला भाग, सड़क भाग ।

ग्राम पीटीचुआ में अर्जित प्लॉट संख्यांक :

92 भाग, 93 भाग ।

अर्जित किए जाने वाले कम्पार्टमेंट सं. 23क भाग, 23-ख, 24 भाग, 26-क भाग, 26-ख भाग, 27 भाग, 33 भाग ।

सीमा वर्णन :

क-ख रेखा "क" बिन्दु से आरंभ होती है और ग्राम पीटीचुआ में प्लॉट सं. 92, 93 से गुजरती है और कम्पार्टमेंट संख्यांक 26-ख की बाह्य सीमा के साथ-साथ आगे बढ़ती है और फिर कम्पार्टमेंट संख्या 26-क, 24 से गुजरती है और "ख" बिन्दु पर मिलती है ।

- ख-ग : रेखा कम्पार्टमेंट संख्यांक 24, 23 का से गुजरती है फिर ग्राम भित्तजारी की ओर नाले की बाह्य सीमा के साथ-साथ आगे बढ़ती है, फिर प्लॉट सं. 81, 80 में से जाती है, नाले को पार करती है, फिर ग्राम अजगांव रिय की ओर प्लॉट संख्यांक 53, 50, 49, 35, 36 की बाह्य सीमा के साथ-साथ आगे बढ़ती है फिर कम्पार्टमेंट संख्यांक 33 से गुजरती है और "ग" बिन्दु पर मिलती है।
- ग-घ : रेखा कम्पार्टमेंट संख्यांक 33 से होकर जाती है फिर ग्राम मालोरी रिय और कम्पार्टमेंट संख्यांक 33 की सम्मिलित सीमा के साथ साथ जाती है, फिर ग्राम पेट भांसुली में प्लॉट संख्यांक 123 की बाह्य सीमा के साथ-साथ आगे बढ़ती है और प्लॉट संख्यांक 127 में से ग्राम पेट भांसुली और ग्राम अमरपुरी की सम्मिलित सीमा के साथ-साथ आगे बढ़ती है और ग्राम अमरपुरी के प्लॉट संख्यांक 6, 27 की बाह्य सीमा के साथ-साथ गुजरती है और "घ" बिन्दु पर मिलती है।
- घ-क : रेखा ग्राम अमरपुरी और भाजरा बेगड़े की सम्मिलित सीमा के साथ-साथ जाती है, फिर ग्राम अमरपुरी में प्लॉट संख्यांक 54 की बाह्य सीमा के साथ-साथ प्लॉट संख्यांक 55, नाला, फिर प्लॉट संख्यांक 61 की बाह्य सीमा के साथ-साथ और प्लॉट संख्यांक 62, 64 में और फिर प्लॉट संख्यांक 72, 69/2, 68/1, 68/2, 68/3ख, 38/3क, की बाह्य सीमा के साथ-साथ जाती है और कम्पार्टमेंट संख्यांक 27 से कम्पार्टमेंट संख्यांक 26ख की बाह्य सीमा के साथ-साथ गुजरती है, फिर ग्राम पीटीचुआ और गेदेगांव की सम्मिलित सीमा के साथ-साथ आगे बढ़ती है और आरंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/12/91-एल.एस.डब्ल्यू.]

बी.बी. राय, अधीक्षक सचिव

MINISTRY OF COAL

New Delhi, the 9th November, 1992

S.O.2993.—Whereas by the notification of the Government of India in the then Ministry of Energy (Department of Coal) number S.O. 1601 dated the 4th June, 1990 published in the Gazette of India dated the 9th June, 1990, under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands and rights in the locality specified in the schedule annexed to that notification;

And whereas the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government;

And whereas the Central Government, after considering the report aforesaid and after consulting the Government of Maharashtra, is satisfied that,—

(a) the lands measuring 29.17 hectares (approximately) or 72.08 acres (approximately) described in schedule 'A' and 'A1' appended hereto; and

(b) the rights to mine, quarry, bore, dig and search for win, work and carry away minerals in the lands measuring 2142.84 hectares (approximately) or 5295.17 acres (approximately) described in schedule 'B' appended hereto; should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby declares that,—

(a) the lands measuring 29.17 hectares (approximately) or 72.08 acres (approximately) described in the said Schedule 'A' and 'A1' appended hereto; and

(b) the rights to mine, quarry, bore, dig and search for win, work and carry away minerals in the lands measuring 2142.84 hectares (approximately) or 5295.17 acres (approximately) in Mining Rights described in Schedule 'B' appended hereto, are hereby acquired.

The plan bearing number C-1(E) III/JJR/477-0191 dt. 17-1-91 of the area covered by this notification may be inspected in the office of the Collector, Chandrapur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the Western Coalfields Limited (Revenue Section), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra).

SCHEDULE 'A'

BANDAR BLOCK

WANI AREA

District Chandrapur (Maharashtra)

All Rights

Serial number	Name of village	Patwari circle number	Tehsil	District	Area in hectares	Remarks
1.	Murpar Tukum	4	Chimur	Chandrapur	14.17	Part

(Reserved forest land)

Serial number	Name of Division	Name of Range	Name of Felling series	Tahsil	District	Compartment number	Area in hectares	Remarks
1.	Bramhapuri	(himat)	Warora C.F.S.P.B.F.	Chimur	Chandrapur	26B	0.90	Part
Total area of schedule					'A' 15.07 hectares (approximately) or 37.24 acres (approximately)			

Plot numbers acquired in village Murpar Tukum : 57 Part, 69, 81 to 88, 91 Part 95 to 103, 104 Part, 105, nallah.

Plot number acquired in compartment number 26-B Part.

Boundary description :

E...E1 :	Line starts from point 'E' and passes through compartment number 26B then passes through village Murpar Tukum in plot number 104 and meets at point 'E1'.
E1...E2 :	Line passes through village Murpar Tukum along the outer boundary of plot number 103, 102, 99, 69, 98, nallah, 81, 82 and in plot number 57 and meets at point 'E2'.
E2...E3...E4	Line passes through village Murpar Tukum along the outer boundary of plot numbers 57 (Partly), 87, 88 and in plot number 91, then along the outer boundary of plot numbers 95, 96, 105, 101, 102, 103 and meets at point 'E4'.
E4...E5...E	Line passes through village Murpar Tukum in plot number 104, then passes through compartment number 26B and meets at starting point 'E'.

SCHEDULE 'A1'

BANDAR BLOCK

WANI AREA

DISTRICT CHANDRAPUR (MAHARASHTRA)

All Rights

Serial number	Name of village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1.	Bandar	2	Chimur	Chandrapur	14.10	Part
Total All Rights as per Schedule A + A1					15.07 + 14.10 = 29.17 hectares (approximately) or 37.24 + 34.84 = 72.08 acres (approximately)	

Plot numbers acquired in village Bandar : 15/1, 15/3, 15/4, 15/5, 16.

Boundary description :

F...F1	Line starts from point 'F' and passes through village Bandar along the outer boundary of plot numbers 15/5, 15/4, 16, 15/1 and meets at point 'F1'.
F1...F2	Line passes through village Bandar along the outer boundary of plot number 15/1 and meets at point 'F2'.
F2...F3	Line passes through village Bandar along the outer boundary of plot numbers 15/1, 15/4, 15/3 and meets at point 'F3'.
F3...F :	Line passes through village Bandar along the outer boundary of plot numbers 15/3, 15/5, and meets at starting point 'F'.

SCHEDULE 'B'
BANDAR BLOCK
WANI AREA
District Chandrapur (Maharashtra)

Mining Rights

Serial number	Name of village	Patwari circle number	Tehsil	District	Area in hectares	Remarks
1.	Minzari	4	Chimur	Chandrapur	5.53	Part
2.	Ajsaon Rith	4	Chimur	Chandrapur	57.88	Part
3.	Kate Bothli	4	Chimur	Chandrapur	49.32	Full
4.	Murpar Rith	4	Chimur	Chandrapur	162.34	Full
5.	Murpar Tukum	4	Chimur	Chandrapur	290.60	Part
6.	Salori Rith	4	Chimur	Chandrapur	107.38	Full
7.	Peth Bhansuli	3	Chimur	Chandrapur	17.92	Part
8.	Amarpuri	3	Chimur	Chandrapur	277.60	Part
9.	Pitichuwa	5	Chimur	Chandrapur	159.36	Part
					1127.93 hectares (approximately)	
					or 2787.23 acres (approximately)	

Mining Rights (Reserved forest land).

Sl. No.	Name of Division	Name of Range	Name of felling series	Tehsil	District	Compartment number	Area in hectares	Remarks
1.	Bramhapuri	Chimur	Bhansuli I.W.C.	Chimur	Chandrapur	23A	47.36	Part
2.	Bramhapuri	Chimur	Werora C.F.S.P.B.I.	Chimur	Chandrapur	23B	102.98	Full
3.	Bramhapuri	Chimur	Minzari I.W.C.	Chimur	Chandrapur	24	21.12	Part
4.	Bramhapuri	Chimur	Minzari I.W.C.	Chimur	Chandrapur	26A	44.80	Part
5.	Bramhapuri	Chimur	Werora C.F.S.P.B.I.	Chimur	Chandrapur	26B	305.45	Part
6.	Bramhapuri	Chimur	Bhansuli I.W.C.	Chimur	Chandrapur	27	362.00	Part
7.	Bramhapuri	Chimur	Bhansuli S.W.C.	Chimur	Chandrapur	33	131.20	Part
							1014.91 hectares (approximately)	
							or 2507.94 acres (approximately)	

Total Mining Rights area—Schedule 'B' :

Mining Rights (Revenue land + Reserve forest land)—
1127.93 hectares + 1014.91 hectaresTotal area
= 2142.84
hectares
(approximately)
= 5295.17 acres
(approximately)

or 2787.23 acres + 2507.94 acres

Plot numbers acquired in village Minzari : 80 Part, 81 Part, Nallah part.

Plot numbers acquired in village Ajgon Rith : 35 to 55, nallah part.

Plot numbers acquired in village Kate Bothli : 1 to 19, nallah.

Plot numbers acquired in village Murpar Rith : 1 to 9, 10/1-10/2-10/3-10/4-10/5, 11 to 80, Part, Nallah.

Plot numbers acquired in village Murpar Tukum : 1 to 51, 52-132, 53 to 56, 57 Part, 58 to 68, 70 to 80, 89, 90, 91 Part, 92 to 94, 104 Part, 105 to 131, 133 to 138, 139/1-139/2, 140 to 161, abadi, road, nallah.

Plot numbers acquired in village Salori Rith : 1 to 61, road, nallah.

Plot numbers acquired in village Peth Bhansuli : 123 to 126, 127 Part.

Plot Numbers acquired in village Amarpari : 1 to 6, 27, 28-A-28B-28C-29 to 34, 35/1, 35/2, 35/3, 35/4, 35/5, 36 to 39, 40/1, 40/2, 40/3, 40/4, 40/5, 40/6, 40/7, 40/8, 40/9, 40/10, 40/11, 40/12, 40/13, 40/14, 40/15, 40/16, 40/17, 40/18, 40/19, 40/20, 40/21, 40/22, 40/23, 40/24, 40/25, 40/26, 40/27, 40/28, 40/29, 40/30, 40/31, 40/32, 41 to 54, 55 Part, 61, 62 Part, 64 Part, 68/1, 68/2, 68/3A, 68/3B, 68/4, 69/1, 69/2, 70/1, 70/2, 70/3, 70/4, 70/5, 70/6, 70/7, 70/8A, 70/9A, 70/10B, 70/11, 70/12B, 70/13, 70/14, 70/15C, 70/16D, 71 to 77, 78/1, 78/2, 78/3, 78/4, 78/5, 78/6, 78/7, 78/8, 78/9-78/9A, 78/10A, 78/10B, 79 to 85, 86A-86E-86C, 87 to 103, 104A, 104B, 104C, 105 to 127, abadi, nallah part, road, part.

Plot numbers acquired in village Pitichuwa : 92 Part, 93 Part

Compartment numbers acquired : 23A Part, 23B, 24 Part, 6A, Part, 26B Part, 27 Part, 33 Part.

Boundary Description :

- A-B : Line starts from point 'A' and passes through village Pitichuwa in plot numbers 92, 93 and proceeds along the outer boundary of Compartment number 26B, then passes through compartment numbers 24A, 24 and meet at point 'B'.
- B-C : Line passes through compartment numbers 24, 23A, then proceeds through village Mirziri along the outer boundary of nallah, then in plot numbers 81, 80 crosses nallah, then proceeds through village / Jager Rith along the outer boundary of plot numbers 53, 50, 49, 48, 35, 36, then proceeds through compartment number 33 and meets at point 'C'.
- C-D : Line passes through compartment number 33 then along the common boundary of village Salori Rith and compartment number 33 then proceeds through village Peth Bhansuli along the outer boundary of plot number 123 and in plot number 127 along the common boundary of villages Peth Bhansuli and Amarpari and passes through village Amarpari along the outer boundary of plot numbers 6, 27 and meets at point 'D'.
- D-A : Line passes along the common boundary of villages Amarpari and Mirziri Begde and then proceeds through village Amarpari along the outer boundary of plot number 54 in plot number 55 nallah, then along the outer boundary of plot number 61 and in plot numbers 62, 64 and then along the outer boundary of plot number, 72, 69/2, 68/1, 68/2, 68/3B, 68/3A and passes through compartment number 27 along the outer boundary of compartment number 26B, then proceeds along the common boundary of villages Pitichuwa and Shedegare and meets at starting point 'A'.

[No. 43015/12/91-LSW]

B.B. RAO, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय (स्वास्थ्य विभाग)

नई दिल्ली, 3 नवम्बर, 1992

का. भा. 2994 :—केन्द्रीय सरकार, भारतीय आयु-
विज्ञान परिषद् अधिनियम, 1956 (1956 का 102)
की धारा 3 की उपधारा (1) के अनुसरण में भारत
सरकार के तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना संख्या
का. भा. 138, तारीख 9 जनवरी, 1960 का निम्न-
लिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के
खण्ड (ख) के अधीन निर्वाचित” शीर्षक के नीचे क्रम
संख्यांक 36 और उससे संबंधित प्रविष्टि के स्थान पर

निम्नलिखित क्रम संख्यांक और प्रविष्टि रखी जाएगी,
अर्थात् :—

“36. डा. अकेन कुमार बजेदारे देसाई, एम. बी. (स्त्री रोग वि.)

राजकीय आयुर्विज्ञान महाविद्यालय,

मजुरा गेट, सूरत-395001

उपरोक्त सदस्य 12 अप्रैल, 1993 तक की अवधि
के लिए पद धारण करेंगे।”

[सं. बी. 11013/2/92-एम. ई. (यू. जी.)]

प्रार. विजय कुमारी, डैस्क अधिकारी

MINISTRY OF HEALTH & FAMILY WELFARE
(Department of Health)

New Delhi, the 3rd November, 1992

S.O. 2994.—In pursuance of sub-section (1) of section 3
of the Indian Medical Council Act, 1956 (102 of 1956), the

Central Government hereby makes the following further amendments in the notification of the Government of India in the erstwhile Ministry of Health, No. S.O. 138, dated the 9th January, 1960, namely :—

In the said notification under the heading "Elected under clause (b) of sub-section (1) of the section 3" for serial number 36, and entry relating thereto, the following serial number and entry shall be substituted, namely :—

"36. Dr. Akenkumar Gajendraray Desai,
Government Medical College,
Majura Gate,
Surat-395 001.

The aforesaid member shall hold office for a period upto 12th April, 1993".

[No. V. 11013/2/92-ME(UG)]

R. VIJAYAKUMARI, Desk Officer

नई दिल्ली, 3 नवम्बर, 1992

का. आ. 2995 :—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद, अधिनियम, 1956 (1956 का 2) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित ओर संशोधन करती है, अर्थात् :—

प्रथम अनुसूची में, (i) "कनकता विश्वविद्यालय" शीर्षक के नीचे की प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियाँ अंतःस्थापित की जाएंगी :—

"डाक्टर आफ मेडिसिन (एम. डी. (मे. गु. वि.)
(मेडिकल गुण विज्ञान)

मास्टर आफ सर्जरी एम. एस. (प्ला. श. वि.)"
(प्लास्टिक शल्य विज्ञान)

(2) "जीवाजी विश्वविद्यालय ग्वालियर" शीर्षक के नीचे की प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियाँ अंतःस्थापित की जाएंगी, अर्थात् :—

"डिप्लोमा इन प्राप्यालमिक डी. ओ. एम. एस.
मेडिसिन एंड सर्जरी

डिप्लोमा इन प्राप्यालमिक डी. ओ."
मोलोजी

(3) "नागपुर विश्वविद्यालय" शीर्षक के नीचे की प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियाँ अंतःस्थापित की जाएंगी, अर्थात् :—

"डिप्लोमा इन ओटो- डी. एल. ओ.
लारिंगोलोजी

मास्टर आफ सर्जरी एम. एम. (क. ना. क. वि.)
(कर्ण, नासा और कंठ विज्ञान)

[सं.वी. 11015/32/92—एमई (यू.जी.)]

भारत विजयकुमारी, डेस्क अधिकारी

New Delhi, the 3rd November, 1992

S.O. 2995.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act,

1956 (102 of 1956) the Central Government after consulting the Medical Council of India hereby makes the following further amendment in the First Schedule to the said Act, namely :—

In the First Schedule, (i) under the heading "University of Calcutta", after the entries, the following entries shall be inserted :—

"Doctor om Medicine (Pharmacology)..M. D. (Pharmacology)

Master of Surgery (Plastic Surgery)..M. Ch. (Plastic Surgery)

(ii) Under the heading "JIWAJI University, Gwalior", after the entries, the following shall be inserted, namely :—

"Diploma in Ophthalmic Medicine & Surgery. .DOMS

Diploma in Ophthalmology ..D.O.

(iii) under the heading "University of Nagpur", after the entries the following entries shall be inserted, namely :—

"Diploma in Oto-Laryngology .. D.L.O.

Master of Surgery (ENT) .. M.S. (ENT)

[No. V. 11015/32/92-ME(UG)]

R. VIJAYAKUMARI, Desk Officer

नागर विमानन और पर्यटन मंत्रालय

नई दिल्ली, 9 नवम्बर, 1992

का. आ. 2996 :—सरकार (प्रसाधिकृत अधिकारियों की नियुक्ति) अधिनियम, 1971 की धारा 3 द्वारा प्रदत्त शक्तियों का उपयोग करते हुए, केन्द्रीय सरकार निम्नलिखित शालिका के कॉलम 1 में उल्लिखित अधिकारियों को, उक्त अधिनियम के प्रयोजन के लिये भारत सरकार के राजपत्रित अधिकारियों के समकक्ष संपदा अधिकारी के रूप में नियुक्त करती है, जोकि शालिका के कॉलम 3 में निर्दिष्ट सरकारी स्थानों के संबंध में, कॉलम 2 में बताये गए अपने अपने अधिकार-क्षेत्र के संबंध में अधिनियम द्वारा उक्त संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग करेंगे और उन्हें रखे गए कार्यों का निष्पादन करेंगे :—

शालिका

अधिनियम की धारा 3 के अधीन नियुक्त संपदा अधिकारी	संपदा अधिकारियों पर सरकार स्थानों की श्रेणियाँ के अधीन की प्रादेशिक सीमाएँ
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1	2	3
वरिष्ठ प्रबंधक (पी. एण्ड ए.) पवनहंस लिमिटेड का उत्तरी क्षेत्र, नई दिल्ली	दिल्ली गोएडा और भोपाल के स्थित उत्तरी क्षेत्र/निगमित कार्यालय के प्रादेशिक नियंत्रणधीन स्थान।	वे सभी स्थान जिनका पवनहंस लिमिटेड, मालिक है, प्रदाता है, किरायेदार है या ताहसेदार है वे सभी स्थान जो पवनहंस लिमिटेड।

1	2	3	1	2	3
		के लिये या उसकी ओर से अधिग्रहीत किये गए है।	बंगई	समूहों में स्थित और पश्चिमी क्षेत्र के प्रशासनिक नियंत्रणाधीन सभी स्थान।	
वरिष्ठ प्रबंधक (पी एण्ड ए.)	महर्षि, पत्र 1, विजयवाड़ा,	—बंद—			
एवनहंस लिमिटेड का पश्चिमी क्षेत्र,	पारबन्धर, बंगाल और लक्षद्वीप				
				[संख्या ए. बी.-13015/25/92-ए. सी. बी.एल.]	
				एन. भट्टाचार्य, अवर सचिव	

MINISTRY OF CIVIL AVIATION & TOURISM

New Delhi, the 9th November, 1992

S.O. 1996.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, the Central Government hereby appoints the officers mentioned in column 1 of the table below, being officer equivalent to the Gazetted officers of the Government of India, to be Estate officers for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on the said Estate officers by or in the Act within the limits of the respective jurisdiction mentioned in column 2 and 3 of the Public Premises specified in column 3 of the table.—

TABLE

Estate Officers appointed under Section 3 of the Act	Territorial Limits of jurisdiction of the Estate Officers	Categories of the Public Premises
1	2	3
Senior Manager (P&A), Northern Region of Pawan Hans Limited, New Delhi.	All premises under the administrative control of Northern Region/Corporate office and located in Delhi NOIDA and Bhopal.	All premises of which Pawan Hans Limited is the owner, lessee, tenant or licensee and all premises which are requisitioned for and on behalf of Pawan Hans Limited.
Senior Manager (P&A), Western Region of Pawan Hans Limited, Bombay.	All premises under the administrative control of Western Region and located in Bombay, Madras, Vijaywada, Pondicherry, Daman and Lakshadweep Islands.	-do-

[No. AV. 13015/25/92 - ACVL]

M. BHATTACHARJEE, Under Secy.

रेल मंत्रालय
(रेलवे बोर्ड)

नई दिल्ली, 16 नवम्बर, 1992

का. प्रा. 2997:—राजभाषा (संघ शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (2) और (4) के अनुसरण में रेल मंत्रालय, रेलवे बोर्ड द्वारा स्थित वरिष्ठ विद्युत् इंजीनियर (कारखाना) कार्यालय मध्य रेलवे को, जहां कर्मचारियों के हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है।

[सं. हिंदी-92/रा. भा. 1/12/6]

मसौदाखमा, सचिव, रेलवे बोर्ड के पदेन अपर सचिव

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 16th November, 1992

S.O. 2997.—In pursuance of sub-Rules (2) and (4) of Rule 10 of the Official Language (Use for the Official purposes of the Union) Rules, 1976 the Ministry of Railways (Railway

Board), hereby notify the Office of the Senior Electrical Engineer (workshop), Jhansi Central Railway, where the staff have acquired the working knowledge of Hindi.

[No. Hindi-92/OL-1/12/6]

MASIHUZZAMAN, Secy. Railway Board & Ex. Office Addl. Secy.

नई दिल्ली, 29 अक्टूबर, 1992

का. प्रा. 2998:—भारतीय विद्युत् अधिनियम, 1910 (1910 का 9) के खंड 36 के उपखंड (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए और दिनांक 20-11-91 की अधिसूचना सं. 91/इलैक (जी) 110/3 के अन्तर्गत जारी की गई भारत सरकार की अधिसूचना की संशोधन संख्या 2 के अधिक्रमण में, केन्द्रीय सरकार एतद् द्वारा मुख्य विजली इंजीनियरी, कोकण रेलवे को विजली निरीक्षक के रूप में नियुक्त करती है और यह निदेश देती है कि वह समूची कोकण रेलवे के विजली संबंधी सभी कार्यों लिए उक्त अधिनियम के अधीन विजली निरीक्षक

की शक्तियों का प्रयोग करेंगे और कार्यों का निष्पादन करेंगे लेकिन इस शर्त के अधीन कि मुख्य बिजली इंजीनियर, कोंकण रेलवे का पदधारी भारतीय रेल बिजली इंजीनियरी सेवा संवर्ग से प्रतिनियुक्ति पर लिया गया हो और रेलों पर उनकी सेवा कम से कम 20 वर्ष की हो।

[सं. 91/इली. (जी) / 110/3]

डी. डी. पाहुजा, कृते सचिव, रेलवे बोर्ड

New Delhi, the 29th October, 1992

S.O. 2998.—In exercise of the powers conferred by sub-section (i) of Section 36 of the Indian Electricity Act, 1910 (9 of 1910) and in supersession of the amendment No. 2 of the Notification of Government of India issued vide 91/Elec.(G)/110/3 dated 20-11-1991, Central Government hereby appoints Chief Electrical Engineer, Konkan Railway, to be Electrical Inspector and directs that he will exercise the powers and perform the function of an Electrical Inspector in regard to all electrical works of entire Konkan Railway under the said act subject to the condition that the incumbent of the post of CEE/Konkan Railway shall be a deputationist from Indian Railway Service of Electrical Engineers cadre and with a minimum service of 20 years on the Railways.

[No. 91/Elec.(G)/110/3]

D. D. PAHUJA, for Secy. Railway Board

धन मंजालय

नई दिल्ली, 30 अक्टूबर, 1992

का. भा. 2998.—जबकि, इण्डियन एयर लाइन्स के प्रबन्धन तथा उनके कर्मचारियों जिसका प्रतिनिधित्व इण्डियन कमिशन पाइपट एग्रीजेशन (आई. सी. पी. ए.) 83 एफ. चोर्टी रोड कलकत्ता द्वारा किया जा रहा है के बीच एक औद्योगिक विवाद विद्यमान है।

और जबकि, उपरोक्त प्रबन्धन तथा उनके कर्मचार, जिनका प्रतिनिधित्व महासचिव, इण्डियन कमिशन पाइपट एग्रीजेशन, द्वारा किया जा रहा है, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उप धारा (1) के अन्तर्गत एक लिखित करार द्वारा उक्त विवाद को स्थाय निर्णयन के लिए भेजने पर सहमत हैं, उक्त मध्यस्थता करार को एक प्रति फेडरल सरकार को भेज दी गयी है ;

अतः अब, उपर्युक्त अधिनियम की धारा 10-क की उपधारा (3) के अनुसरण में केंद्र सरकार उक्त करार को एवमारा प्रकाशित करती है।

करार

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अन्तर्गत)
पक्षकारों के नाम

नियोजक के प्रतिनिधि	कर्मचारों के प्रतिनिधि
1	3
1. कैप्टन आर. के. कक्कड़ निदेशक (प्रचालन), इण्डियन एयर लाइन्स, एयर लाइन्स हाऊस, नई दिल्ली	1. कैप्टन बी. पी. नाइक अध्यक्ष, आई. सी. पी. ए.,
2. श्री एस. डी. रस्तोगी, निदेशक, (कार्मिक) इण्डियन एयरलाइन्स, एयरलाइन्स हाऊस, नई दिल्ली	2. कैप्टन आर. एन. जालान, जनरल सेक्रेटरी इण्डियन कमिशन पाइपट एग्रीजेशन

1	2	3
3. श्री हरी बंद औद्योगिक संबंध प्रबंधक इण्डियन एयरलाइन्स, एयरलाइन्स हाऊस, नई दिल्ली	3. कैप्टन आनंदर सिंह, प्रिंसिपल जनरल सेक्रेटरी, इण्डियन कमिशन पाइपट एग्रीजेशन,	
4. श्री बी. बी. शर्मा उप प्रचालन प्रबंधक, इण्डियन एयरलाइन्स, एयरलाइन्स हाऊस, नई दिल्ली	4. कैप्टन प्रमोद राज, सदस्य कार्यकारिणी, इण्डियन कमिशन पाइपट एग्रीजेशन	
	5. कैप्टन शक्ति गुप्ता, सहायक सदस्य आई. सी. पी. ए.	

पक्षकार निम्नलिखित विवाद को माध्यस्थ्य के लिए श्री एम. आर. शिवरामन, महानिदेशक, नागर विमानन, सऊदरबा हवाई अड्डा, नई दिल्ली-110003 के पास भेजने के सहमत हैं।

(i) विवाद को निश्चित मामले:

(क) निदेशक संख्या आई सी पी ए/सी ए एन/जे एस/सी आई आर : 9/दिनांक 10-10-92 तथा संख्या आई सी पी ए/सी ए एन/जे एस/सी आई आर : 13/92 दिनांक 14-10-92 में उल्लिखित सुरक्षा उपाय, और

(ख) व्यवसाय एवं प्रबंध निदेशक, इण्डियन एयरलाइन्स, नई दिल्ली को दिनांक 13-10-92 को भेजे गए हड़ताल के नोटिफ संख्या आ सी पी ए/सी एन/सी आई आर : 12/26/92 में मांग संख्या 1 में उल्लिखित सुरक्षा उपाय (प्रति संलग्न है)।

(ii) विवादों से संबंधित पक्षकारों के अगोरे (अग्रगण्य प्रतिष्ठापन व्यवसाय उपक्रम का नाम तथा पता)

1. व्यवसाय एवं प्रबंध निदेशक, इण्डियन एयरलाइन्स, एयरलाइन्स हाऊस, नई दिल्ली।
2. इण्डियन कमिशन पाइपट एग्रीजेशन, 54-एफ, चोर्टी, कलकत्ता

(iii) उपक्रम में प्रभावित नियोजित कामगारों की कुल संख्या 22,500 (अनुमानित)

(iv) प्रभावित व्यवसाय प्रभावित होने वाले कामगारों की अनुमानित संख्या 450 (अनुमानित)

हम इस बात से भी सहमत हैं कि माध्यस्थ्य का निर्णय हम दोनों पर बाध्यकार होगा।

माध्यस्थ्य अपना पंचाट करार को तारीख को तीन महीने की अवधि के अन्त में प्रथम हमारे बीच हुए परस्पर लिखित करार द्वारा अग्रे बढ़ाए गए समय में देगा।

यदि उपरोक्त अवधि को अक्षर पंचाट नहीं दिया जाता है तो माध्यस्थ्य के लिए भेजा गया विषय अपने आप निरस्त हो जाएगा और हम नए माध्यस्थ्य के लिए बातचीत करने के लिए स्वतंत्र होंगे।

प्रबंधन की ओर से		आई सी पी ए की ओर से	
1	2	3	
1. ह. /-		1. ह. /-	
(आर. के. कक्कड़)		(बी. पी. नाइक)	
निदेशक (प्रचालन)		अध्यक्ष	

1	2	3
2. ह. /- (एस. सी. रस्तोगी) निदेशक (कार्यिक)	2. ह. /- (भार. एन. जालान) महासचिव	
3. ह. /- (हरि चंद) औद्योगिक संबंध प्रबंधक	3. ह. /- (शमशेर सिंह) सहायक महासचिव	
4. ह. /- (बी. बी. शर्मा) उप प्रचारण प्रबंधक	4. ह. /- (अशोक राज) समिति सदस्य	
	5. ह. /- (शक्ति लुम्बा) सहयोगित सदस्य	

माध्यस्थता की सहमति

प्रिय श्री सुरेश नाथ

मुझे आपका प्र. भा. पत्र संख्या 23(31)/92-कोन. / विनोद
2 नवम्बर, 1992 को प्राप्त हो गया है,

2. मैं एवम्बारा, उन हवाई प्रश्नों पर जो नि. पर आई सी पी ए ने
अपने सदस्यों को विमान न उड़ाने के निदेश दिए हैं, सुरक्षा उपायों के
मामले में, आपकी अपेक्षानुसार एक मध्यस्थ के रूप में कार्य करने के लिए
अपनी सहमति देता हूँ।

श्री सुरेश नाथ

मुख्य अमायुक्त (के), (एम. भार. शिवरामन)
श्रीम मंत्रालय, श्रीम शक्ति भवन, [संख्या एन-11013/1/92-आई आर (वि.)]
नई दिल्ली-110001 बी. एम. डेविड, डेस्क अधिकारी

MINISTRY OF LABOUR
New Delhi, the 30th October, 1992

S.O. 299).—Whereas an industrial dispute exists
between the management of Indian Airlines and their work-
men represented by the Indian Commercial Pilots' Associa-
tion (ICPA) 53-F Chowringhee Road, Calcutta;

And whereas, the said management and their workmen
represented by ICPA have by written agreement under sub-
section (1) of Section 10-A of the Industrial Disputes Act 1947
(14 of 1947), agreed to refer the said dispute to arbitration
and have forwarded to the Central Government a copy of the
said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of Section
10-A of the said Act, the Central Government hereby pub-
lishes the said agreement.

AGREEMENT

(Under Section 10-A of the Industrial Disputes Act, 1947)

BETWEEN
NAMES OF THE PARTIES

Representing employer	Representing Workmen
1. Capt. R.K. Kikkar, Director (Operations), Indian Airlines, Airlines House, New Delhi.	1. Capt. V.P. Naik, President, I.C.P.A.
2. Shri S.C. Rastogi, Director (Personnel) Indian Airlines, Airlines House, New Delhi.	2. Capt. R.N. Jalan, General Secretary, I.C.P.
	3. Capt. Shamsher Singh, Asstt. General Secretary I.C.P.A.
	4. Capt. Ashok Raj,

3. Shri Hari Chand, Ind. Relations Manager, Indian Airlines, Airlines House, New Delhi.	Committee Member, I.C.P.
4. Shri D.V. Sharma, Dy. Operations Manager, Indian Airlines, Airlines House, New Delhi.	5. Capt. Shakti Lumba, Coopt. Member, I.C.P.A.

It is hereby agreed between the parties to refer the following
disputes to the arbitration of Shri M.R. Sivaraman Director
General of Civil Aviation, Safdarjung Airport, New Delhi-
110003.

(i) Specific matters in disputes:

- Safety measures mentioned in Directive No. ICPA/CAL/GS/CIR: 9/92 dated 10-10-92 and No. ICPA/CAL/GS/CIR: 13/92 dated 14-10-92; and
- Safety measures mentioned in Demand No. 1 in the Strike Notice No. ICPA/CAL/GS/CIR: 2: 26/92 dated 13-10-92 served on the Chairman & Managing Director, Indian Airlines, New Delhi (Copy enclosed)

(ii) Details of the parties to the disputes (including the name and address of the establishment or undertakings involved)

- The Chairman & Managing Director, Indian Airlines, Airlines House, New Delhi.
- The Indian Commercial Pilots' Association, 53-F Chowringhee Road, Calcutta.

(iii) Total number of workmen — 22,500 (Approx.) employed in the undertaking affected.

(iv) Estimated number of workmen — 450 (Approx.) affected or likely to be affected.

We further agree that the decision of the Arbitrator is binding on us.

The Arbitrator shall make his award within a period of three months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforesaid, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

On behalf of management On behalf of ICPA

1. S/- (R.K. Kikkar) Director (Operations)	1. S/- (V.P. Naik) President
2. S/- (S.C. Rastogi) Director (Pers.)	2. S/- (R.N. Jalan) Gen. Secy.
3. S/- (Hari Chand) Indl. Relations Manager	3. S/- (Shamsher Singh) Asstt. Gen. Secy
4. S/- (D.V. Sharma) Dy. Operation Manager	4. S/- (Ashok Raj) Committee Member
	5. S/- (Shakti Lumba) Coopt. Member

CONSENT OF THE ARBITRATOR

My dear Surendra Nath,

I am in receipt of your D.O. Letter No. 23 (31)/97-Conf. dated November 2, 1992.

2. I hereby give my consent to act as an arbitrator in the matter of safety measures at these airports to which ICPA has given directives to their members not to operate from as desired by you.

With regards,

Yours sincerely,
S/-
(M.R. SIVARAMAN)

Shri Surendra Nath,
Chief Labour Commissioner (C),
Ministry of Labour,
Shram Shakti Bhavan,
New Delhi-110001.

[No.L-11013/1/9.-IR (Misc)]
B.M. DAVID, Desk Officer

INDIAN COMMERCIAL PILOT'S ASSOCIATION
(CENTRAL OFFICE)

ICPA : CAL : GS(CIR) : 09-92

October 10, 1992

TO

ALL MEMBERS
INDIAN COMMERCIAL PILOT'S ASSOCIATION
BOMBAY/CALCUTTA/DELHI/MADRAS

As per the outcome of the Emergency Central Executive Committee Meeting held on 10-10-1992 at Calcutta, the GEC of ICPA is constrained to issue the following DIRECTIVE in the interest of the Flight Safety.

1. Not to undertake any flight to/from any airfield by Day and Night where the VASI/PAPI or Electronic Glide Path is not available/serviceable or calibrated.

2. (a) Not to undertake any flight to/from Kathmandu airport by night.

(b) In view of the two recent fatal mishaps at Kathmandu, not to undertake any flight to/from Kathmandu airport by Day unless the weather conditions existing are CAVOK repeat CAVOK.

3. Not to undertake any flight to/from any airfield where the NDB is the only navigational and approach aid available. Places like Pune, Coimbatore, Raipur, Tejur and Leh one.

4. Not to accept any flight changes without a clear notice of 12 hours before the management of the flight.

5. All the members, in carry out Instrument approaches at all the airfield (wherever applicable) as a Mandatory requirement without fail.

The strict compliance of the above DIRECTIVE is solicited and shall be in the paramount interest of the members.

LONG LIVE ICPA
Sd/-

(CAPT. R. N. JALAN)

General Secretary.

SAFETY

UNITY

DIGNITY

ICPA : CAL : GS. (CIR) : 13-92

14 October, 1992

INDIAN COMMERCIAL PILOT'S ASSOCIATION
CENTRAL OFFICE

TO

ALL MEMBERS
INDIAN COMMERCIAL PILOT'S ASSOCIATION
BOMBAY/CALCUTTA/MADRAS/DELHI

The ICPA has been representing to Indian Airlines Management on various safety issues. They have failed to evoke any response from the management and appealed to the DGCA

to expedite. The DGCA failed to carry out its statutory responsibility by its inaction to gross safety violation by IA Management. The Ministry of Civil Aviation in collusion with IA Management have further defamed the pilots in the National Press and are spreading disinformation, clubbing our FLIGHT SAFETY and trade union demands to cover their lapses and mislead the travelling public.

To enforce the statutory responsibility and authority of safe operation of a pilot, the ICPA central executive is further constrained to issue this directive for strict compliance with immediate effect in the interest of flight safety.

DIRECTIVE

1. No landing will be executed on a runway not served by a serviceable/calibrated VASI/PAPI unless the runway is served by a serviceable/calibrated Electronic Glide Path. This applies for day and night operations.
2. In conformity with IA Operations Manual Para 3.12.17 all take offs and landings will be into wind. No tail wind take offs and landings will be executed.
3. Not to undertake any flight to LFH. This operation has been found substandard by the DGCA.
4. In conformity with IA Operations Manual Para 1.47.0 and CAR series I part II and GOC (M-6), not to execute a take off or landing from or to a runway where the take off and landing path is over water unless a life jacket is provided for all occupants. This covers take off R/W 27 Bombay landing R/W 09 Bombay. Take off R/W 26 Goa landing R/W 08 Goa.
5. In accordance with the DGCA instructions not to execute any intersection take offs.
6. In conformity with IA Operation Manual Para 1.14.0 not to accept any aircraft under MEL/CDL from major base i.e. Bombay, Calcutta, Madras, Hyderabad and Delhi.
7. In conformity with IA Operation Manual Para 11.3.0 pilots to execute only instrument approaches to land at all airfields.
8. In conformity with IA Operations Manual Para 1.38.0 no flight to depart unless destination weather is above the stipulated minima. Pilots not to execute low visibility take offs. Flights not to operate to any airfield where the minima is not field.
9. The airline policy or fire fighting and safety services laid down in IA Operations Manual Para 1.40.0 is considered unsafe. No flight to be operated to an airfield which does not comply with the ICAO policy. Minimum fire fighting category required for B737/A320 is Cat 6 or above for A300 Cat 8 or above.
10. Pilots to report for duty only 35 minutes before the scheduled/revised departure and in compliance with IA Operations Manual Para 3.1.3 only accept to undertake the flight after receiving a complete briefing.
11. In conformity with IA Operations Manual Para 1.1.3, no flight to depart without standard cabin crew complement i.e. B737/A320/A300 (Four/Five/Eight cabin crew) respectively.
12. In conformity with IA Operations Manual Para 10.24.2 no flight to be conducted by two commanders. This is because the pilots are to exercise the privileges of their licences, P1 to fly as P1 only.
13. Pilots not to operate to designated international airfields and designated international alternates unless they comply with ICAO Annex 14. This includes approach lights, standard runway marking, Precision approach and runway lights.
14. Pilots not to operate flights to Jammu and Srinagar when special Indian Airforce arrival procedure apply unless the reported visibility is more than 5000 meters and cloud base above the minimum safety altitude.

This Directive is in addition to the earlier two directives No. ICPA : CAL : GB (CIR) : 09-92 and 10-92 dated 10-10-1992.

LONG LIVE ICPA

CAPT. R. N. JALAN

General Secretary.

INDIAN COMMERCIAL PILOTS' ASSOCIATION

Central Office

53F., Chowringhee Road, Calcutta-700071, India

ICPA CAL/GS. 12 : 26—92

13-10-1992

To

The Chairman-cum-Managing Director,
Indian Airlines,
113 Gurudwara Rakabganj Road,
New Delhi-110001

Subject :—'STRIKE NOTICE'

This is to inform you that the Central Executive Committee in its Emergency meeting held on 10-10-1992 held at Calcutta, had by a unanimous decision of its members resolved to go on "Strike" after the expiry of 14 clear Days of the receipt of Strike Notice.

Please be informed that if the following demands of the I.C.P.A. are not met by the said date, the members of the I.C.P.A. would be compelled to go on strike and abstain from work from 30-10-92 w.e.f. 0001 hrs.

You would appreciate that the I.C.P.A. had placed for your kind consideration the following demands :—

1. Issues involving Safety of Aircraft, Passengers, Pilots and Others Crew Members in the light of the guidelines issued by The Regulatory Authorities, and the stated Indian Airlines policy from time to time.

2. Reduction of Basic pay of Commands unilaterally in violation of settlement dated 16th February 1989, unilateral action of the Indian Airlines administration in changing the basic structure concerning the pilots and also acting in-violation of provisions of Industrial Disputes Act.

3. Not coming to the aid of Women Pilot whose modesty was outraged by a Aircraft Maintenance Engineer in Bombay on 4-10-92 while operating flight IC-133.

4. Not adhering to the Training programme and acting in-violation of the existing awards and settlements regarding Cargo Pattern signed on 17th February 1989.

5. Not honouring the commitments/obligations on the part of Indian Airlines management as laid down under Industrial Dispute Act 1947.

6. Creating an atmosphere of fear psychosis in the mind of the pilots, at the behest of the Chairman and Managing Director, Director of Operations, Director of Personnel and the Director of Finance, which could be detrimental to the flight safety.

It may be noted that if any member of the I.C.P.A. is involved in any mishap as a consequence of the conduct of the above named persons, the Indian Airlines Management would be responsible and the I.C.P.A. reserves its right to sue the individual members named above.

The above demands were placed before Indian Airlines management by the I.C.P.A. on 13-10-92 when the former was pleased to call the letter for a dialogue. It is needless to mention that from time to time the I.C.P.A. including its Regions have been writing to the management on the above subject.

It is shocking that the Management instead of meeting the Air Safety requirements as cut out, and sorting out the other issues, have taken a callous attitude to the who issue raised by the I.C.P.A.

Still we would like to give you an opportunity to amend yourself meeting the first requirement and the demands by the date mentioned (supra), failing which please treat this as a final notice from our side that there would be a total strike by the Members of the I.C.P.A. w.e.f. 30-10-1992, time : 0001 Hrs.

Yours sincerely,

for INDIAN COMMERCIAL PILOTS ASSOCIATION
(CAPT. R. N. JALAN)

General Secretary

Minutes of the conciliation proceedings held on 30-10-92 in the industrial dispute between the management of Indian Airlines and Indian Commercial Pilot's Association over strike notice dated 13-10-92 on a charter of 6 demands and 3 directives given by the Association over safety measures and other pending issues.

Parties present

On behalf of management :

1. Capt. R. K. Kakkar
Director of Operations
2. S. C. Rastogi
Director of Personnel
3. Hari Chand
Ind. Relations Manager
4. Capt. D. V. Sharma
Dy. Operations Manager

On behalf of ICPA :

1. Capt. V. P. Naik
Central President
2. Capt. R. N. Jalan
General Secretary
3. Capt. Shamsheer Singh
Asstt. General Secretary
4. Capt. Ashok Raj
Committee Member
5. Capt. Shakti Lumba
Coopt. Member

Short recital of the case

The Indian Commercial Pilots Association (ICPA) vide letter No. ICPA : CAL : GS : 12 : 26—92 dated 13-10-92 served a strike notice on the Chairman-cum-Managing Director, Indian Airlines over a charter of 6 demands. The Association stated that if these 6 demands are not considered they would be compelled to go on strike w.e.f. 30-10-92 (0001 hrs.)

The Association also gave directive No. ICPA : CAL : GS (CIR) : 9—92 dated 10-10-92 and No. ICPA : CAL : GS (CIR) : 13—92 dated 14-10-92 over enhanced safety measures and directed their members not to operate flights in certain circumstances/stations. The Association also gave in their directive No. ICPA : CAL : GS (CIR) : 10—92 dated 10-10-92 to its members directing them not to operate flights to neighbouring countries and night-stop flights unless and until the pending issues are resolved by the management of Indian Airlines.

Immediately on receipt of the strike notice and copies of directives through the management, conciliation proceedings were initiated. Conciliation proceedings were held on 15-10-92, 21-10-92, 22-10-92, 28-10-92 and 29-10-92 and all the matters mentioned in the strike notice and directives were discussed threadbare. The views of the management and ICPA on various demands mentioned in the strike notice and the directives referred to above were recorded on 28-10-92. After prolonged discussions, the following understanding was reached on the following terms :—

Terms of Agreement

The management of Indian Airlines and the Indian Commercial Pilots Association agreed to refer the matter relating to safety measures in the directives No. ICPA : CAL : GS (CIR) : 9—92 dated 10-10-92 and No. ICPA : CAL : GS (CIR) : 13—92 dated 14-10-92 and term No. 1 of the strike notice dated 13-10-92 (relating to other safety measures) for the arbitration of the Director General of Civil Aviation (DGCA). Both the parties further agreed that the decision of the DGCA on these matters will be binding on both parties and will abide by the same in toto.

2. Both the parties agreed to discuss the matters relating to operation of flights till the receipt of the decision/award of the DGCA.

3. As regards the demands mentioned at Sl. Nos. 2 to 6 in the strike notice dated 13-10-92 and pending issues mentioned in the directive No. ICPA : CAL : GS (CIR) : 10—92 dated 10-10-92 will be discussed bilaterally and try to reach an amicable settlement.

4. In view of the above, the ICPA agreed to keep the strike notice dated 13-10-92 and directive No. ICPA : CAL : GS (CIR) : 10—92 dated 10-10-92 in abeyance till 16-11-92, the date on which further conciliation proceedings will be held in undersolved matters. In case the matter(s) is/are resolved the parties will submit a report to this effect to the Dy. CLC (C) on 16-11-92.

Further conciliation proceedings will be held on 16-11-92 at 1030 hours in the office of Dy. CLC(C), Room No. 507, Shram Shakti Bhavan, New Delhi.

On behalf of the management :

1. R. K. Kakker
2. S. C. Rastogi
3. Hari Chand
4. Capt. D. V. Sharma

On behalf of the ICPA :

1. Capt. V. P. Naik
2. Capt. R. N. Jalan
3. Capt. Shamsher Singh
4. Capt. Ashok Raj
5. Capt. Shakti Lumba

(J. Kanakiah)
(Dy. CLC(C))

नई दिल्ली, 2 नवम्बर, 1992

का. आ. 3000.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर्ग में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल लिमिटेड की मधुवन कोलियरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-92 को प्राप्त हुआ था।

[संका एन-20012/58/88/डी-IV (ए)/आईआर (सीआई)]

के. वि. भरतउण्णी, डेस्क अधिकारी

New Delhi, the 2nd November, 1992

S.O. 3000.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Madhuban Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 2-11-1992.

[No. L-20012/58/88-D.IV(A)/IR (C-I)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 129 of 1989

PARTIES :

Employers in relation to the management of M/s. Bharat Coking Coal Ltd. in relation to Madhuban Colliery in Area. No. III.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri D. Mukherjee, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, the 23rd October, 1992

AWARD

By Order No. L-20012/58/88-D.IV(A)/IR. (Coal-I) dated, the 6th October, 1989, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of M/s. Bharat Coking Coal Ltd. in relation to Madhuban Colliery in Area No. III in terminating Shri Jainarayan Mahatha, Pump Operator from service w.e.f. June, 1988 is justified? If not, to what relief the concerned workmen is entitled to?"

2. The case of the management of Madhabani Colliery, as disclosed in the written statement-cum-rejoinder, details apart, is as follows :

The present reference is not legally maintainable. The date of birth of the concerned workman, Jai Narayan Mahatha, has been recorded as 15-7-1926 in Form 'B' Register and C.M.P.F. record. He would have retired from service with effect from 15-7-86 after completion of 60 years of age. He submitted an application dated 11-7-85 for assessment of his age by the Apex Medical Board stating that he was quite fit for continuing in employment and that his date of birth had been wrongly entered in Form 'B' register as 15-7-1926. His prayer for assessment of his age was accepted by the management and he was advised to appear before the Apex Medical Board for assessment of his age. The Apex Medical Board examined him on 3-6-86 and assessed his age as 58 years as on 3-6-86. He was informed about the age as assessed by the Medical Board and was allowed to continue in employment beyond 15-7-86. He was superannuated from service with effect from 3-6-88 i.e. two years after the date of medical examination. Thus, he got about two years of extra service as the Apex Medical Board gave the findings taking into account all points in his favour. It is unfortunate that the concerned workman has been indulging in gambling in litigation with the sole purpose of earning money by challenging the very basis for giving chance to continue two extra years of service. He did not challenge the fact that he was 58 years on 3-6-86 when the Apex Medical Board determined his age in his favour and informed him of the medical result and was permitted to continue in service for two years more on the basis of medical examination. Hence, he is not entitled to any relief.

3. The case of the concerned workman as disclosed in the written statement submitted on his behalf by the sponsoring union, Rashtriya Colliery Mazdoor Sangh, briefly stated, is as follows :

The concerned workman had been working as permanent Pump Operator in Madhuban Colliery since long with unblemished record of service. As the time of appointment his date of birth was recorded in statutory and C.M.P.F. Register as 15-7-1936. The management illegally and arbitrarily advised him to appear before the Medical Board and informed him for the first time on 9-7-86 that the Medical Board allegedly had assessed his age as 58 years on 3-6-86. The report of the Medical Board was never supplied to him. Communication of his age as 58 years as on 3-6-86 means that the Medical Board has allegedly determined the exact date, month and year of birth which is impossible in so far as medical jurisprudence is concerned. The aforesaid fact clearly goes to show that no medical examination as per medical jurisprudence was held by the Medical Board. The concerned workman after receiving the letter dated 9-7-85 immediately protested against the illegal and arbitrary change of his age in the statutory and C.M.P.F. record and simultaneously drew the attention of the management towards the School Leaving

Certificate which goes to show his date of birth as 15-7-1936. Despite the above fact, the management illegally terminated his service with effect from June, 1988. The sponsoring union raised an industrial dispute before the A.L.C. (C), Dhanbad, but the same ended in failure due to adamant attitude of the management. The appropriate Government was pleased to make a reference of the dispute for adjudication by this Tribunal.

4. In rejoinder to the written statement of the union, the management has stated that it is incorrect to suggest that the date of birth had been recorded as 15-7-36 in his statutory C.M.P.F. record. His date of birth was recorded as 15-7-26 in all the records of the management. The management has also stated that it is absurd to suggest that it acted illegally and arbitrarily by sending the concerned workman to appear before the Medical Board. He was sent before the Apex Medical Board for assessment of his age on his own prayer. The management has asserted that the report of the Medical Board is correct and the concerned workman has been rightly superannuated.

5. In rejoinder to the written statement of the management, the union has reiterated the facts as stated in its written statement and denied the contention of the management.

6. The sponsoring union, in order to support of its claim, examined the concerned workman and laid in evidence some items of documents which have been marked Exts. W-1 to W-3.

On the other hand, the management has examined three witnesses, namely MW-1 Dr. S. Ghosal, working as Medical Officer, Incharge of Apex Medical Board at Koyla Nagar Hospital of M/s. B.C.C. Ltd., MW-2 Dr. Raj Sudhir Prasad, earlier posted as Professor of Forensic Medicine in Patliputra Medical College, Dhanbad and MW-3 K. P. Rewani, posted in Barora Area Office as Clerk and laid in evidence some documents which have been marked Exts. M-1 to M-6.

7. According to the case of the management, the date of birth of the concerned workman, Jainarayan Mahatha, was recorded as 15-7-1926 in the Form 'B' Register and C.M.P.F. record and he would have retired from service with effect from 15-7-86 after completion of 60 years of age. Consequent upon submission of an application dated 11-7-85 by the concerned workman for assessment of his age by Apex Medical Board, the management referred him to Apex Medical Board for assessment of his age and the Board determined his age as 58 years as on 3-6-86 and consequently he was superannuated from service with effect from 3-6-88.

According to the case of the concerned workman, his date of birth was recorded in the statutory and C.M.P.F. Register as 15-7-1936.

8. The concerned workman could not produce statutory register or C.M.P.F. Register in support of his contention. Indeed, he has filed three documents—(i) a certificate of local Mukhiya (Ext. W-2) certifying that he is the younger brother of Teklal Mahato, working in Madhuban Colliery; (ii) Identity Card of Teklal Mahato disclosing his date of birth as 1-7-1937 (Ext. W-1) and (iii) Electoral roll of Baghmara Assembly Constituency of 1984 disclosing his age as 46 years (Ext. W-3). It appears that none of the two documents (Exts. W-1 and W-3) has recorded the age of the concerned workman correctly.

Anyway, the management has produced photo copy of Form 'B' Register (Ext. M-5) and Identity Card Register (Ext. M-4). In both these documents, the date of birth of the concerned workman has been recorded as 15-7-1926. MW-3 Kalipada Rawani, clearing in Barora Area Office has proved these two documents. His evidence discloses that the Form 'B' Register produced by the management and proved by him is not the original Form 'B' Register. He has conceded that in the old Form 'B' Register maintained by the erstwhile employer the date of birth of the concerned workman may have been recorded as 15-7-1936. The concerned workman has also asserted that during the time of erstwhile owner, his date of birth was recorded as

15-7-36. Anyway, the fact is that the management referred the concerned workman to the Apex Medical Board for determination of age and the Board determined his age as 58 years on 3-6-86 (Ext. M-2). Acting upon the report of the Apex Medical Board the management corrected the date of birth of the concerned workman and superannuated him from service on completion of 60 years of age with effect from 3-6-88.

9. Being aggrieved by the report of the Medical Board and the action of the management in superannuating him from service, the concerned workman has raised the present dispute.

10. The management has examined two doctors to support the report of the Medical Board. WW-1 Dr. S. Ghosal is now working as Medical Incharge of Apex Medical Board at Koyla Nagar Hospital of M/s. B.C.C. Ltd. According to him, he was not present at the time of medical examination of the concerned workman by the Medical Board and he has got no personal knowledge about the report of the Board. But he has stated that upon perusal of the result of the medical examination the concerned workman by the Board, he does not think that his age was assessed arbitrarily but it was based on scientific evaluation. He has admitted that by ossification test the approximate age of a person can be determined, subject to a rider that it can be done upto the age group of 25 to 35 years. He has also admitted that by ossification test the age of a person can be determined upto 65 years, but that too in decades. He has further admitted that by ossification test of public symphysis the age of persons between age group 20 to 60 can be determined. MW-2 Dr. Raj Sudhir Prasad was a member of the Medical Board. He has admitted that while assessing the age of the concerned workman the Board considered his general health, blood pressure, pulse, wrinkle of skin, greying hair, degenerative change in the eye and vision, number of teeth and also degenerative changes in the joint and blood vessels. His evidence discloses that no ossification test of public symphysis was done by the Board while determining the age of the concerned workman. MW-2 Dr. Prasad has candidly stated that naked eye examination of public symphysis by a very experience and complete osteologist and anatomist is comparatively reliable index for assessment of age between 20 and 60 years, but he does not possess that expertise in the branch and so the Medical Board of Dhanbad or he himself could not undertake such test. He has also stated that X-ray of public symphysis might not have yielded much information because to the best of his knowledge, naked eye examination of bone is useful and he has doubt if their Radiologists possess that much expertise to assess the age accurately from radiologist interpretation of X-ray of public symphysis. Thus, it is revealed from evidence that a very important examination—naked eye X-ray examination of public symphysis was undertaken or could be undertaken in determining the age of the concerned workman. Hence, on this score the report of the Apex Medical Board can be faulted because the medical examination of the concerned workman for determination of age was not done by the Board with apposite urbane medical sophistication. Consequently, the superannuation of the concerned workman on the basis of the report of the Board by the management is not justified.

It appears that the Apex Medical Board of the management has not got adequate scientific expertise for determination of age of the concerned workman. In my view, the age of the concerned workman shall in such circumstances, rather be determined by a Medical Board consisting of Civil Surgeon, Dhanbad, as Chairman and two other competent doctors as members and upon receipt of the report of the Medical Board the management shall proceed further in the matter of superannuation of the concerned workman. Meanwhile the management is directed to reinstate the concerned workman in service with full back wages and continuity of service if the medical examination is not done within three months from the date of publication of the award.

10. Accordingly, the following award is rendered—

The action of the management of M/s. B.C.C. Ltd. in relation to Madhuban Colliery in Area No. III in superannuating Jainarayan Mahatha, Pump Operator, from service with effect from 3-6-88 is not justified. The age of the concerned workman shall be determined by the Medical Board consisting of Civil Surgeon,

Dhanbad, as Chairman and two other competent doctors as members within three months from the date of publication of the award failing which the management is directed to reinstate the concerned workman in service with full back wages and continuity of service.

The cost of the Medical Board shall be borne by the management and the concerned workman jointly.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer

नई दिल्ली, 2 नवम्बर, 1992

का. आ. 3001.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, में भारत कोकिंग कोल लिमि. की लोहापती कोलियरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-92 को प्राप्त हुआ था।

[संख्या एल-20012/241/89-आई आर (कोल-I)]

के. वि. भरतनुष्णी, डेस्क अधिकारी

New Delhi, the 2nd November, 1992

S.O. 3001.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Lohapati Colliery of M/s. BCCL and their workmen, which was received by the Central Government on 2-11-1992.

[No. L-20012/241/89-IR (Coal-I)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 21 of 1990

PARTIES :

Employers in relation to the management of Lohapati Colliery of M/s. B.C.C. Ltd. Mohuda Area.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri D. Mukherjee, Secretary Bihar Colliery Kamgar Union.

STATE : Bihar

INDUSTRY : Coal

Dated, the 23rd October, 1992

AWARD

The present reference arises out of Order No. L-20012/241/89-I.R. (Coal-I), dated the 12th February, 1990 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :

"Whether the action of the management of M/s. Bharat Coking Coal Ltd. in relation to Lohapati Colliery in Mahuda Area No. II, is justified in dismissing the workman Shri Suraj Mahato, Loader from service w.e.f. 18-3-89 ? If not, to what relief is the concerned workman is entitled to ?"

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be passed on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and pass an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under Section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer

BEFORE THE PRESIDING OFFICER CGIT NO. 1
DHANBAD

Ref : Case No. 21/90

PARTIES :

Employers in relation to the management of Lohapati Colliery of M/s. Bharat Coking Coal Limited. Mohuda Area.

AND

Their workman (Sri Suraj Mahato)

PETITION OF COMPROMISE

The humble petition on behalf of the parties to the above reference most respectfully sheweth—

That the above dispute has been amicably settled between the parties on the following terms :—

TERMS OF SETTLEMENT

1. That the concerned workman Sri Suraj Mahato, Ex-Loader will be taken back in employment without and back wages but with continuity of service for the purpose of gratuity.
2. That Sri Mahato will be given job in Time Rated as General Mazdoor Cat. 1 in initial basic pay as per option given by the concerned workman duly signed by Sri Manbodh Mahato, Secy. Central Committee. BCKU.
3. That the idle period of absence from 1986 till the resumption of duty will be treated as dies-non.
4. That in view of this settlement there remains nothing to be adjudicated.

Under the circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass an Award in terms of the settlement.

For the workman :

(B. MOHANTHY)

Area Secy. BCKU

For the Employer :

(M. M. BHATTACHARYA)

General Manager, Mohuda Area

(A. K. RAO)

Dy. Chief Pers. Manager

BCCL, Mohuda Area.

नई दिल्ली, 12 नवम्बर, 1992

का. आ. 3002.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार श्रेतवा रिवर बोर्ड के प्रबंधन के संबंध नियोजकों और उसके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण

कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-92 को प्राप्त हुआ था।

[सं० एल-42012/124/90-आर्. आर. (डी. यू.) (पाटे)]

के. बी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 12th November, 1992

S.O. 3002.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Betwa River Board and their workmen, which was received by the Central Government on 11-11-92.

[No. L-42012/124/90-IR(DU) (Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
PANDU NAGAR DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 31 of 1991

In the matter of dispute

BETWEEN

Sri Dashrath Singh Bhadauria C/o Sri Anil Kumar
Malviya Mahamantri Workcharge Karamchari Sangh
Rajghat District Lalitpur.

AND

Chief Engineer,
Rajghat Dam Project,
Nandanpura, Jhansi,

AWARD

1. They Central Government, Ministry of Labour, vide its notification no. L-42012/124/90-I. R. (D. U) dated 3-4-91, has referred the following dispute for adjudication to this Tribunal:

"Whether the action of Chief Engineer, Betwa River Board in not promoting Shri Dashrath Singh Bhadauria to the post of LDC w. e. f. 20-12-88 on the basis of his seniority is justified? If not, to what relief he is entitled to?"

2. It is settled law that the dispute other than those covered by section 2-A of the I. D. Act can be espoused only through the Union. But in the present case as will be evident from the names of the parties given at the foot of the reference order that the dispute was raised by the workman himself. The word 'Dwara' Sri Anil Kumar Malviya Mahamantri Workcharged Karamchari Sangh Lalitpur does not mean that it has been raised by the said Sangh on behalf of the workman. The same point was argued by the authorised representative for the management before this court on 6-7-92. Sri D. N. Tewari, the authorised representative for the workman on that showed me the copy of petition filed before ALC(C) from his personal file and from that it was clear that the petition was filed before ALC(C) by the workman himself.

3. Hence it is held that the reference order is BAD IN LAW, which is on the point of promotion.

4. It is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 12 नवम्बर, 1992

का. आ. 3003.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में,

केन्द्रीय सरकार सेंट्रल इन्स्टीच्यूट आफ हार्टिकल्चर फार नार्थन प्लेन्स के प्रबंधन के संबंध निरीक्षणों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-92 को प्राप्त हुआ था।

[सं० एल-42011/9/87-डी-2 (बी) (पाटे)]

के. बी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 12th November, 1992

S.O. 3003.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Distt. of Horticulture for Northern plains and their workmen, which was received by the Central Government on 11-11-92.

[No. L-42011/9/87-D. II(B) (Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
PANDU NAGAR DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 65 of 1989.

In the matter of dispute

BETWEEN

Joint Secretary,
Krishi Karamchari Sangh
1 Abdul Aziz Road
Lucknow

AND

The Director
Central Institute for Horticulture
P. O. Ram Sagar Misra Nagar
Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-42011/9/87-D-2(B) dt. 7-3-89 has referred the following dispute for adjudication to this Tribunal:—

Whether the Director Central Institute of Horticulture for Northern Plains, Lucknow was justified in not granting Ad-hoc Bonus to daily rated workers for the year 1982-83 to 1985-86? If not, what relief the workmen Sri Govind Prasad and 22 others as per list were entitled to?

2. On 15-10-92 Sri B D Tewari, the authorised representative for the Union made an endorsement on the side of the order sheet that the Union does not intend to continue the case on the point of bonus. It follows therefore that the dispute raised through the reference order is not pressed by the Union.

3. Accordingly the reference order is answered

ARJAN DEV, Presiding Officer

नई दिल्ली, 12 नवम्बर, 1992

का. आ. 3004.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दक्षिण रेलवे, पालघाट डिवीजन के प्रबंध-

संघ के संबद्ध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण एकापी के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-92 को प्राप्त हुआ था।

[सं. एल-41011/43/89-आई. आर. (डी. यू.) (पार्ट)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 12th November, 1992

S.O. 3004.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Alleppey as shown in the Annexure, in the industrial dispute between the employers in relation to the management of DRM, Southern Railway, Palghat Division and their workmen, which was received by the Central Government on 11-11-92.

[No. L-41011/43/89-IR (DU) (Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, ALLEPPEY.

(Dated this the 1st day of October, 1992).

PRESENT :

SHRI. K. KANAKACHANDRAN,
Industrial Tribunal.
I. D. NO : 202/90.

BETWEEN

The Divisional Railway Manager, Palghat Division,
Southern Railway, Palghat-2, Kerala.

AND

The General Secretary, Dkashina Railway Casual Labour
Union, Edappally North, Ernakulam, Cochin-682 024,
Kerala.

Representation :—

M/s. M. Ramachandran &
A. Jayasankar.

For Workmen

Sri. T. P. M. Ibrahim Khan,
Advocate,
United Law Chambers,
Kochi-682 018.

For Management.

AWARD

1. The Government of India by an order dated 23-8-1990 referred the following issue for adjudication. The issue reads :

"Whether the the action of the D. R. M., Palghat Division, Southern Railway, Palghat-2, Kerala in terminating the services of the following workmen w.e.f. 5-11-83 is justified ?

- (1) Shri M. Saminathan
- (2) Shri. V. Subramanian
- (3) Shri G. Saminathan
- (4) Shri M. Krishnan
- (5) Shri Madu
- (6) Shri Settoo
- (7) Shri Nelliappan
- (8) Shri Singaram
- (9) Shri S. Masilamani
- (10) Shri S. Paripalan
- (11) Shri C. Rajendran

- (12) Shri C. Balaraman
- (13) Shri Juyaraman
- (14) Shri T. Shanmugham
- (15) Shri S. Mangudu.

2. These 15 workmen started service as casual workers under the Permanent Way Inspector, Southern Railway, Inuppattur. Seven of them started service on 5-11-1979 and others remaining started service on 22-12-1979. It is alleged that except that of one workman Shanmugham, services of others were terminated on 28-2-1983. In the case of Shanmugham, his termination was little earlier and that was on 21-2-1983. It is the contention of the union that without assigning any reason, all of a sudden, they were told that they would have no work from March 1983 onwards. It is also stated that all the 15 workmen are eligible for temporary status at that time since they had more than 120 days of continuous service to their credit. On attaining temporary status, all of them were entitled for C. P. C. Scale of pay also. Since they were denied of such scale of pay, they had to approach the Labour Court, Kozhikode by filing claim petition. The Labour Court upheld their claim and directed the Railways to pay them arrears of pay in the C. P. C. Scale. According to them, as per the Railway Establishment Manual Chapter-23, Rule 2302(i), a temporary Railway Servant can be terminated from service only after giving 14 days notice. That was not done. Moreover, all the workmen concerned in this dispute had completed more than 240 days of continuous service also. In that case, they are entitled for one month's notice as contemplated in the I. D. Act. In view of this reason also it is pleaded that the termination effected in their case may be declared as null and void.

3. On behalf of the employer Southern Railways, one of its Senior Divisional Personnel Manager, Palghat Division had filed a counter affidavit against the claims of the union. It is stated that the claim itself is not maintainable because it is a stale claim. The workmen concerned were daily rated casual labourers engaged locally for work of short durations. They would be given work only if works were available. The engagement of them were locally made against specific sanctions given by the Officers of the concerned department and that itself was depending on the availability of work. It is alleged that all the workers were having the habit of absenting themselves frequently right from their initial engagement. Because of that, there were intermittent breaks in their service. None of the workmen have continuous service either for one year or for 240 days during the period of 12 calendar months. Since they had not satisfied the continuous service required, they are not entitled for any kind of protection as envisaged in the I. D. Act. There was no occasion for denying employment to them but, in fact, they were absenting from 1-3-1983 onwards. Because of that there was no occasion to retrench them from service also. Regarding the nature of employment of these workers it is stated in the counter affidavit that there are two categories of workmen in the Indian Railways and those are of regular employees and Casual labourers. The casual labourers are governed by the provisions contained in Chapter 23 of the Railway Establishment Manual. Since their service conditions are entirely different from that of the regular employees, it cannot be said that they were retrenched from service and because of that they were eligible for retrenchment compensation. As per Rule 2501 of Manual only those who are engaged for six months without break will be granted temporary status. On account of the charges made in that Rule now, only 120 days are required for getting temporary status. Even for counting that, three days unauthorised absence and 15 days authorised absence will be ignored. None of the workmen had satisfied even the above said conditions. The service particulars of the workmen were verified and it was found that they had 120 days of aggregate service after condoning breaks. After conferring "temporary status" they were given difference in wages for the actual period they worked on daily rate. After the disposal of the claim petition before the Labour Court, all of them were given arrears of pay in accordance with C. P. C. scale. Merely because of attaining of temporary status, none of them are eligible for getting the status of regular servant. Therefore it is contended that the very nature of employment does not make them eligible to continue in service in any manner.

4. From the pleading of both sides it can be seen that their contentions are in a very narrow compass. The union's contention is that all these workers were denied of employment without assigning any reason from 1-3 1983 onwards. On the other hand the contention of the Railways is that there was no occasion to deny or terminate the services of the workmen and in fact they were absolving from duty although work was available to them. If the workmen were purposely absolving from duty, there is no question of any sort compliance of the provision contained in the I. D. Act or Railway Establishment Manual before dispensing with their service. But if the fact is that they were very much keen in getting employment and the railways denied them work, the dispensation of their service should have been only in accordance with the provisions contained in the Railway Establishment Manual or I. D. Act.

5. Before going to the merit of the issue referred for adjudication I would like to consider the preliminary objection raised by the Railways on the question of maintainability of this dispute. It is urged that the claim of the workmen is stale because they raised the dispute about 5 years after the alleged termination of their services. This argument is very well met by the union producing various documents. Ext. W1 is a copy of the registered letter sent by the union to the Divisional Personnel Officer, Southern Railway, Palghat on 21-8-1983. It is specifically alleged therein that the workers concerned were retrenched from service without any notice or notice pay. Names of all the employees were also mentioned in that letter. There is no case for the opposite party that they had not received that registered letter. Subsequently on 25-11-1983 another petition duly signed by all the workmen were also sent to the Divisional Personnel Manager, Palghat. Ext. W2 series are the office copies of the subsequent letters sent by the union to the Divisional Personnel Officer, Railways. On 9-10-1985 they submitted a memorandum to the Regional Labour Commissioner, (Central) Madras. Finding no result they approached the High Court of Kerala by filing writ petition O. P. No. : 10806/87. After hearing both sides by a judgment dated 4-4-1988 the High Court directed the Assistant Labour Commissioner (Central) Ernakulam to the appropriate action on the complaint of the workmen concerned in accordance with law as expeditiously as possible. It is also recorded in the judgment the submission made by the Central Government Standing Counsel to the effect that he had got instruction from Railways not to oppose the original petition. On the basis of such direction of the High Court, the Conciliation Officer started conciliation. Because of the failure of the conciliation this dispute was referred for adjudication to this Tribunal by the Central Government. After making a submission before the High Court about the Railways desire not to oppose the plea of the workmen, it is quite unfair on the part of the Railways now to make submission that present dispute highly belated. After agreeing for a conciliation and further action thereon they should not have raised the contention before this Tribunal that the claim of the workmen is stale and highly belated. Therefore the preliminary objection raised is rejected.

6. As stated earlier, the two sides built up their cases on two divergent position. The management's contention is that all the 15 workmen had abandoned employment at their own violation. It is the elementary principle that any plea of voluntary abandonment should be specifically pleaded and proved by citing a decision of the Supreme Court in *Beelingham Company Vs. Venkitaiah* (AIR 1964 SC 1272) the learned counsel for the union submits that to constitute abandonment there must be total giving up of duties so as to indicate an intention not to resume the same. In that case the Supreme Court observed :

"Under common law an inference that an employee had abandoned or relinquished service is not easily drawn unless from the length of absence and from other surrounding circumstances an inference to that effect can be legitimately drawn and it can be assumed that the employee intended to abandon service. Abandonment or relinquishment of service is always a question of intention, and normally, such an intention cannot be attributed to an employee without adequate evidence in that behalf."

7. Apart from mere statement of abandonment there is no positive evidence to substantiate that. Even the witness who was examined on the side of the Railways could not say anything in support of that plea. MW1, a permanent Way Inspector attached to Palghat Division has stated in the course of evidence as follows:—

"After 1983 the quantum of casual work had been reduced and regular staff were sufficient to carry out the work. From 1983 onwards the workload was reduced and hence works were being carried out through regular staff. There was restrictions in engaging casual labourers."

8. There is no reason to disbelieve the testimony of MW1. It appears he was speaking the truth. Regarding the alleged termination, the Union Secretary's version is that immediately after the denial of employment to the workmen, they approached the permanent Way Inspector and the workers were told then that, works sanction would be obtained within a week and then they would be given work. But nothing happened. They made representation one after another. The copy of the representations produced and marked in the course of evidence were not at all disputed by the Railways. All these are only suggestive of the fact that for want of sanction, employment could not be provided to the workmen concerned. But the position is that even after getting work sanction orders from the concerned authorities, the Railways did not try to provide employment to them. Therefore the only inference possible is that the employer was purposely denying employment to the workmen who had attained temporary status and that itself was without complying with any of the formalities contemplated in the Railway Establishment Manual.

9. Once it is conceded that all the workmen concerned had attained temporary status, it is incumbent on the Railways to give them 14 days' notice before effecting any kind of termination in their services. The mandatory provisions contained in Chapter 23 of the Railway Establishment Manual insist for that. This point which is canvassed by the union is countered by the Railways by taking up the position that although these workmen had attained the temporary status, they continue to be temporary casual employees. According to them, attainment of temporary status does not confer any kind of special right or privilege. In support of the contention the learned counsel relied on a decision of the Kerala High Court in Writ Appeal No. 344 of 1980. In that case the High Court held that those who acquire temporary status would continue to be casual labourers although they have acquired certain additional rights and privileges. Merely because of that they did not cease to belong to the category of temporary casual labourers. That was the case of certain casual labourers who attained the temporary status and made claim for subsistence allowance during the period in which they were not given work. The subsistence allowance is available to a regular employee who is suspended from service. That is purely a right available to a regular employee. When the temporary employees staked claim for such subsistence allowance, the High Court negatived their contention by holding that despite the attainment of temporary status they would continue as temporary casual employees. The position dealt with by the High Court is not exactly the issue here. The workmen herein are not staking claim for retrenchment benefit or for the compliance of procedure formalities on the assumption that they are regular employees. They are staking only the rights and privileges available to casual employees who attained temporary status by virtue of the provisions contained in the Railway Establishment Manual. Chapter 23 of that Manual says that the casual employee who completes 120 days continuous service will attain temporary status and once such status is attained any kind of termination in his case can be effected only after giving 14 days' notice or 14 days wages in lieu of such notice. Evidently in this case none of them had been given 14 days' notice as provided in the Establishment Manual. Nor were they given wages in lieu of notice also. In that case the termination effected can only be considered as null and void.

10. The railways had also taken up a contention that none of the workman had to his credit 240 days of continuous service so as to claim benefits provided under the I.D. Act. In view of the declaration that the termination effected in the case of workmen who had attained temporary status as null and void it is unnecessary to consider this point. Anyhow

11. The records produced by the Railways would show that all the 15 workers had intermittent break in their services. How that is happening is also explained. In each month, work order will be sanctioned from the Divisional Manager's Office and if there is no sanction order in a particular month no work could be provided to the workmen. Because of that there was intermittent break in the service of the workmen concerned. The impact of this type of discontinuation in service has been elaborately discussed in a recent judgment of the Division Bench of the High Court in Writ Appeal No. 93 of 1992. Elaborating the scope of Section 25-B the High Court held that the cessation of work on account of the lack of requisite works sanction orders would deem to be cessation of work not due to any fault on the part of the workmen. It was also observed by the High Court that artificial breaks are purposely created by the Railway administration so as to defeat the claims of the workman. I shall extract hereunder relevant passage from the judgment of the High Court in W.A. 93/1992 :

"9. In our view, the findings arrived at by the Tribunal are findings of fact supported by material, and cannot be interfered with. Under Section 25F of the Industrial Disputes Act, no workman employed in an industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until the workman has been given one month's notice in writing including the reasons for retrenchment and the period of notice has expired or the workman has been paid in lieu of such notice, wages for the period of the notice. The question as to whether the workmen had been in continuous service for not less than one year under an employer has to be considered in the light of the provisions of Section 25-B which reads as follows :—

"25-B. Definitions of continuous service—For the purpose of this Chapter (Chapter V-A)—

- (1) a workman shall be said to be a continuous service for a period if he is for that period in un-interrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or cessation of work which is not due to any fault on the part of the workman ;

In the present case we are concerned with clause (1) of Section 25-B of the I.D. Act. The finding of the Tribunal, which we have extracted above, clearly shows that there was work for these workmen, but artificial breaks were created by the Management, and these interruptions were not on account of any fault on the part of the workmen. If that be so, we are also of the view that the finding of the Tribunal relating to temporary status of the workmen in Railway service and the need to give 14 days' notice cannot be said to be incorrect."

12. By adopting the rationale laid down by the High Court with reference to the peculiar position in the matter of giving employment to casual workmen in the Railways, it can only be held that the intermittent breaks in the services of these 15 workmen during the period from November 1979 to February 1983 were not at all due to their fault. In that case all of them will have continuous service of even 240 days as contemplated in Section 25-B of the I.D. Act. If a workman who would come within the purview of I.D. Act is retrenched from service without complying with the formalities contemplated under Section 25-F, such termination will only be illegal. In that case he will be entitled for reinstatement with benefit of back wages. From the evidence available in this case there is no difficulty in holding that all the 15 workmen concerned in this dispute would satisfy the condition regarding continuous service and therefore the retrenchment effected in their case without compliance of Sec. 25-F is illegal and void. They will deem to be in service from the date on which they were denied of employment. Award is passed accordingly.

(Dated this the 1st day of October, 1992).

K. KANAKACHANDRAN, Industrial Tribunal

APPENDIX

(I.D. No. 202/90)

Witnesses examined on the side of the Workmen : —

WW1.—Swaminathan.

WW2.—C. P. Menon.

Exhibits marked on the side of the Workmen :—

W1.—Copy of the letter No. IPL/40/83 dated 21-8-83 from the General Secretary, Dakshin Railway Casual Labour Union (Reg. No. 96—Kerala) Elamakkara P.O., Cochin-20.

W2.—Letter No. IPL 5/84 dated 20-1-84 from the General Secretary, Dakshin Railway Casual Labour Union, Cochin.

W3.—Copy of the judgment in O.P. No. 10806/87 J of the High Court of Kerala.

W4 (series).—Copies of the orders in claim petitions of the Labour Court, Kozhikode.

W5.—LTI Register.

Witness examined on the side of the Management :—

MW1.—R. Varadaraju.

Exhibits marked on the side of the Management :—

M1.—Muster Sheets for the period 1982-83.

M2.—The statement showing the details of the number of days worked by each worker.

नई दिल्ली, 17 नवम्बर, 1992

का. आ. 3005.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उन रेलवे, लखनऊ के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-11-92 को प्राप्त हुआ था ।

[एन-41012/1/89-आई. आर. (डी. यू.) (पार्ट)]

के. वी. बी. उण्णी, डैस्क अधिकारी

New Delhi, the 17th November, 1992

S.O. 3005.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway Lucknow and their workmen, which was received by the Central Government on 12-11-92.

[No: I-41012/1/89-IR(DU) (Pt.)]

K. V. B. UNNY, D sk Officer

ANNEXURE

BEFORE SRI ARJAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT PANDU NAGAR, KANPUR.

Industrial Dispute No. 100 of 1990

Zonal Working President
Uttar Rly. Karamchhari Union
96/196 Roshan Bajaj Lane
Ganeshtaganj Lucknow

AND

Senior Div. Mech. Engineer
Northern Rly. Hawaratganj
Lucknow.

AWARD

1. The Central Government Ministry of Labour, vide its notification no. L-41012/1/89/1R(DU) dt. 29-3-90, has referred the following dispute for adjudication to this Tribunal:—

Whether the action of the management of Northern Rly. Lucknow in reducing in rank and consequently superseding Sri Suraj Narain Crane Driver highly skilled Gr. I w.e.f. 11-6-87 is justified? If not what relief the workman concerned is entitled to?

2. The industrial dispute on behalf of the workman has been raised by the Uttar Rly. Karamchari Union, Lucknow.

3. The case of the Union is that after passing trade test on 6-9-85, the workman was posted as driver on 75 tone B. D. Crane. He worked on the said post of driver on the said crane from 20-10-85 to 20-2-86. However on 21-2-86 his posting was done on 2/3 tone Coal Loading Crane. The Union alleges that despite the fact that the workman was senior to S/Sri Samar Nath Pathak and Suraj Narain. The said two persons were posted as driver on 140 tone crane and 75 tone BD Cranes. Thus giving them the benefit of highly skilled grade I Crane Driver. The Union has therefore, prayed that the workman's position be restored w.e.f. 11-6-87 and with effect from the said date he should be paid the same salary which the aforesaid two persons have been getting.

4. In defence the management plead that Sri Suraj Narain HS Grade I crane driver was declared competent by W.B.I. Lucknow to handle 75 tone crane on 10-6-87. According to the management the very next day the workman absented himself from duty and remained absent upto September 1988. The management further plead that Sri Samar Nath Pathak HS Gr. I crane driver was promoted as BD Crane driver vide DRM/Lucknow letter no. 755/E/1-9/II dt. 18-2-86 and posted under Loco foreman Lucknow and Sri Lallan Shukla was utilised to work only as a rest giver and leave reserve against casualty because of the continued absence of the workman w.e.f. 11-6-87. The management deny that the workman who had been working as HS Gr. I prior to 11-6-87 was over reduced in rank. In fact prior to 1-6-87 the workman was not fit to handle 75 tone crane what to say of 140 tone crane. The grade of B.D. Crane Driver and crane driver grade A (55.7) is one and the same i.e. Rs. 1320-2040 and such the question of reduction in rank does not arise. He was never reduced in rank cadre and scale of pay. The management lastly plead that the claim is not maintainable being in respect of alleged supersession and seniority etc. for want of impleadment of other necessary parties.

5. In support of their respective cases whereas Union had led oral evidence as well as documentary evidence, the management have led only oral evidence. The oral evidence of the management consists of Sri S. H. Raza Loco Foreman N. Rly, Lucknow and the oral evidence of the Union consists of the evidence of the workman.

6. In order to know what exactly the case of the Union is, I would like to refer to para 3 of the written arguments which reads as under:—

"BD Cranes of 75 and 140 Tons are normally attached with the Accident Relief Train & working on these cranes is rewarded by heavy overtimes. Hence senior most persons are required to be posted on these cranes subject to having passed suitability test therefore, Sri Suraj Narain had, therefore, submitted repeated appeals to the management for being posted on BD Cranes instead of Coal Loading crane, but the management declined due to which this industrial dispute had to be raised. The reference order of the Labour Ministry may be read in this context, Sri Suraj Narain was accordingly held having been reduced in rank and having been superseded by his juniors, S/Sri Amar Nath Pathak and Lallan Pathak."

Thus from the very para of the written arguments it appears that the whole grievance of the workman is that on account of his posting on Coal Loading Crane he has been denied overtime which persons working on B.D. Crane

would have earned. This very point was stressed also by Sri S D Tewari the Zonal working President of the Union and who has been conducting his case during the course of his arguments. It has been said in the aforesaid paragraph of the written arguments that the reference order should be read in the light of this fact i.e. only to over time which now persons junior to the workman are getting by working on B.D. Cranes. I am sorry that it is not possible for the Tribunal to give such a meaning to the reference order. The reference order simply refers to the action of the management in reducing in rank workman Sri Suraj Narain Crane Driver highly skilled Gr. I w.e.f. 11-6-87. The words underlined are very significant and these words mean the posting of the workman to a lower grade which as we have seen above is not the case of the Union.

7. In this case with his affidavit the workman has filed the copy of Divisional Office Letter dt. 2-2-87 addressed to Loco Foreman Lucknow, Faizabad etc. on the subject of provisional seniority list of staff working as crane drivers in Mech. Departments. In this letter are also given the scales of pay of B.D. Crane drivers Crane Driver and Steam Coal Crane Drivers. A look at the scales of these three kinds of crane drivers show that the scale of these three kinds of crane drivers is the same i.e. Rs.1320-2040. If it were so I fail to understand how the Union/workman says that the workman has been reduced in rank simply because a particular post attracts overtime while the other does not it does not mean that there has been any reduction in rank.

8. With his affidavit the workman has filed the photostat copies of orders dt. 11-6-87, of Loco foreman by means of which the workman was ordered to work as Coal Crane Driver w.e.f. 11-6-87. Although the document has not been admitted by the management, let us take it that such an order was passed by the Loco Foreman. In his cross examination the workman has admitted that he did not attend duty on 11-6-87 as he was sick. He has also admitted that for about 1-1/2 years he did not report for duty because of his illness. It appears that his absence from 11-6-87 was intentional and it was due to the fact that he did not relish his posting as coal crane driver w.e.f. 11-6-87 which posting he knew would not give him an opportunity of having overtime.

9. For me in this case it is not necessary to examine the question of seniority as between the workman and S/Shri Samar Nath Pathak and Lallan Shukla about Sri Lallan Shukla the workman has admitted in his cross examination that he had been utilised only as a rest giver on 75 tone B.D. Crane. The seniority list has not been filed but the service book summoned by the Union were produced by the management witness on 3-8-92 for the examination of the Tribunal. They were, however, not shown to the authorised representative for the union, I made a note about their grades and the dates from which these grades were given to them on the inner side of the file cover. It appears that the workman was temporarily promoted as Steam Coal Crane Driver in grade Rs. 380-560 w.e.f. 6-9-85 while vide order dt. 18-2-86, Sri Suraj Narain Pathak was given the said grade of crane driver w.e.f. 1-1-1984.

10. Thus in view of the matter the Union has failed to make out a case on the issue referred to the Tribunal by the Ministry of Labour. Hence, it is held that there had been no reduction in rank by any action of the management of Northern Rly. Lucknow. Here posting from one type of crane to another type of crane having the same scale of pay would not amount to reduction in rank. Consequently, the question of supersession does not arise at all.

11. The result is that the Union/workman is entitled to no relief.

Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 17 नवम्बर, 1992

का. आ. 3006 —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में

केन्द्रीय सरकार सेंट्रल रेलवे जंसी के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारों के बीच, संबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंगुट को प्रभावित करती है, जो केन्द्रीय सरकार को 12-11-92 को प्राप्त हुआ था ।

[एन-41011/29/88-डी-11 (बी) (पार्टे)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 17th November, 1992

S.O. 3006.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway, Jhansi and their workmen, which was received by the Central Government on 12-11-92.

[No. L-41011/29/88-D.II(B)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 179 of 1989

In the matter of dispute

BETWEEN

Sri Surendra Singh,

President, Rashtriya Chaturtha Shreni Rail Mazdoor
Congress 2/236 Namnair Agra.

AND

Assistant Engineer,
Central Rly Jhansi.

AWARD

1. The Central Govt. Ministry of Labour, vide its notification no. L-41011/29/88-D-2(B) dt. 2-8-89 has referred the following dispute for adjudication to this tribunal:—

Whether the action of the management of Central Rly Jhansi in terminating the services of S/Shri Roop Chand, Rashid Khan and Wasul Ahmed, MRCL w.e.f. 19-11-86 is justified? If not to what relief the workers are entitled to ?

2. The case of the Union is that all the three workmen named in the schedule of the reference order had acquired temporary status in accordance with the provisions of Indian Rly Establishment Manual and after passing their medical test they became MRCL their services were terminated by the management on the ground that they had procured employment in the railway on the basis of service cards which on verification were found fake. Whereas Sri Roop Chand was suspended on 26-7-86. Sri Rashid Khan was suspended on 6-9-86. Ext. W.1 and W-2 are copies of their suspension order. Further whereas Sri Roop Chand was issued a major penalty chargesheet in SFV no chargesheet was ever issued to the other two workmen. Till 18-11-86 all the three of them were paid suspension allowance and thereafter they were told that their services stood terminated w.e.f. 19-11-86. The Union alleges that the order terminating their service is illegal. It was made in violation of the provisions of section 25G of Industrial Disputes Act, 1947. Further no inquiry against them was held under Railway Servants (Discipline & Appeal) Rules, 1968. In fact the principles of natural justice were not followed while terminating their services. The Union further alleges that many persons whose services were terminated on similar grounds were re-engaged by the railway on the basis of Head Quarter's letter dt. 26-12-88 and on the basis of settlement arrived at between the management and the Union before ALC(C) Kanpur, ALC(C) Lucknow and

ALC(C) Rohtak, on the ground that prior to the termination of their services no adequate opportunity of hearing was given to them. Some of them even filed cases before CAT Allahabad, Jabalpur and obtained judgments in their favour. The Union has, therefore, prayed for the reinstatement of the three workmen with full back wages.

3. The case is contested by the management. The management plead that railway is not an industry nor the provisions of I.D. Act, 1947, apply to it. On merits the management plead that as their recruitment was banned their appointments were void abinitio. Since they had acquired employment in the railway on the basis of fake service cards their services stood terminated automatically. The fact is that their appointment were cancelled. According to the management there was no need for holding any departmental inquiry in such cases nor the management were required to pay any retrenchment compensation to them.

4. In support of its case the Union has led oral and documentary evidence. The Union has examined Sri Roop Chand. On the other hand the railway has relied upon documentary evidence.

5. Ext. W.1 and W-2 are copies of orders of suspension dated 26-7-86 and 6-9-86 of Sri Roop Chand and Sri Rashid Khan respectively. In the orders they have been described as MRCL. From the orders it appears that they were suspended from the date of passing of these orders.

6. Although no documentary evidence has been led by the Union with regard to the third workman namely Sri Wasul Ahmed it however, appears from document no. 8 of management's list of document dt. 28-10-91 that he too was suspended on 19-9-86. It is Ext. M-2. It is the copy of the sheet relating to payment of suspension allowance to this workman.

7. It is the common case of the parties that the services of three workmen stood terminated w.e.f. 19-11-86 on the ground that they had procured employment in the railway on the basis of service cards which on verification were found fake. There appears to be no written orders of termination on record. During the course of arguments Sri Bhattacharya, the authorised representative for the management submitted that no written orders terminating their services or cancelling their appointments were passed. I may state here that so far as Sri Roop Chand workman is concerned it is the case of the Union that he was served with major penalty chargesheet in SFV. In his cross examination he has admitted that against the chargesheet he did not file any reply. He says that after the service of chargesheet he was never called by the S.O. in connection with the said chargesheet.

8. Thus from the above evidence it becomes evident that whereas no inquiry at all was held against S/Sri Rashid Khan and Wasul Ahmed, no proceedings for inquiry was held against Sri Roop Chand after the service of chargesheet. It is further evident that in the case of all the three workmen no written orders of termination of their services were ever passed by the management.

9. In the circumstances their termination of services cannot be upheld as the principles of natural justice were not followed against them. If on the basis of inquiry it was found by the management that the service cards produced by the three workmen at the time of entering into service contained forged entries the management ought to have given them show cause notice and furnished them with the material on the basis of which such inference was being drawn against them. Hence the action of the management in terminating their services w.e.f. 19-11-86 cannot be upheld.

10. During the course of his argument it has been submitted by Sri Surender Singh the auth. representative for the Union that an order similar to one passed by CAT, Allahabad in the Case of registration OA No. 160/89 Sri Tula Ram versus Union of India and others be passed in respect of these three workmen. The copy of order dt. 23-5-90 passed by the Central Administrative Tribunal Allahabad in the said case has been filed by the Union in the present case. From the order it appears that while quashing the order terminating the services of the petitioner C.A.T. Allahabad reinstated the petitioner without any back wages with liberty to the manage-

ment to conduct a proper inquiry in the matter of casual labour cards produced by him at the time of entering into service in accordance with the principles of natural justice and take suitable action according to law.

11. Hence in view of the submissions made by the authorised representative for the Union while holding that the action of the management of Central Rly Jhansi in terminating services of the three workmen w.e.f. 19-11-86 is illegal and unjustified, all the three workmen are reinstated in service without payment of any back wages. The management is given liberty to conduct a proper inquiry in the matter of service cards produced by the workmen at the time of entering into the railway service in accordance with the principles of natural justice and take suitable action against them according to law.

Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 18 नवम्बर, 1992

क्र. आ. 3007.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पोस्टल प्रिंटिंग प्रेस, भुवनेश्वर के प्रबंधन से संबद्ध नियोजकों और उसके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-11-92 को प्राप्त हुआ था।

[एल-40011/61/91—आई. आर. (डी. यू.) (पार्ट)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 18th November, 1992

S.O. 3007.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Postal Printing Press, Bhubaneswar and their workmen, which was received by the Central Government on 13-11-92.

[No. L-40011/61/91-JR(DU)(Pt.)]
K. V. B. UNNY, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT:

Sri R. K. Desh, LL.B.,
Presiding Officer,
Industrial Tribunal,
Orissa, Bhubaneswar.

Industrial Dispute Case No. 35 of 1991 (Central)

Dated, Bhubaneswar, the 6th November, 1992

BETWEEN :

The management of Postal Printing Press, Rasulgah,
Bhubaneswar. ...First Party-management.

(And)

Their workmen represented through Postal Printing
Press Employees Union, Rasulgah, Bhubaneswar.
.....Second Party-workmen.

APPEARANCES:

None—For both the parties.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon it by clause (d) of sub-section 1 and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 have referred the following dispute for

adjudication by this Tribunal vide their Order No. L-40011/61/91-JR(DU) dated 30-10-91 :—

“Whether the action of the management of Postal Printing Press, Bhubaneswar in not paying Subsistence allowance/full wages for the period from 4-1-91 to 16-1-91 after revoking the suspension order of Shri S. N. Tiadi, Proof Reader and Shri S. K. Routray, Bindary Assistant is justified? If not, what relief they are entitled to?”

2. This case was posted to 7-9-92 for hearing. On that day both the parties remained absent and did not take any steps. As it appears both parties have lost interest in the case.

3. The dispute relates to the justifiability of the action of the management in not paying subsistence allowance/full wages for the period from 4-1-91 to 16-1-91 revoking the suspension order of Sri S. N. Tiadi, Proof Reader and Sri S. K. Routray, Bindary Assistant in absence of any evidence, it is difficult to answer the reference in either way. In the circumstance, I have no other alternative but to pass a no dispute award and accordingly, a no dispute award is passed in so far as the present reference is concerned.

Sd/- Illegible

Presiding Officer,
Industrial Tribunal.

नई दिल्ली, 18 नवम्बर, 1992

क्र. आ. 3008.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ सेंट्रल रेलवे, भुवनेश्वर (आन्ध्र प्रदेश) के प्रबंधन से संबद्ध नियोजकों और उसके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-11-92 को प्राप्त हुआ था।

[एल-41012/1/87-7-2 (बी) (पार्ट)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 18th November, 1992

S.O. 3008.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of South Central Railway, Guntakal (A.P.) and their workmen, which was received by the Central Government on 12-11-1992.

[No. L-41012/1/87-D.II(B)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, this 30th October, 1992

Central Reference No. 9/89

PRESENT :

Shri M. B. Vishwanath, B.Sc., B.L., Presiding Officer.

I Party

II Party

Shri S. Khaja Hussain
APS Khalasi,
C/o Shaik Shah Valim,
Railway Quarters No. 562,
B, Guntakal,
Andhra Pradesh.

The Divisional Railway
Manager, S.C.R.
Guntakal (A.P.).

V/s.

AWARD

In this reference made by the Hon'ble Central Government by its Order No. 1-41012/1,87-D.II(B) dated 5-1-89, the point for adjudication as per schedule to reference is:

"Whether the action of the Divisional Railway Authorities, Guntakal in removing the name of Shri S. Khaja Hussain, APS Khajasi from rolls and terminating his services with effect from 10-4-91 is justified? If not, to that relief the workman is entitled to?"

2. In the claim statement it is contended by the I party:— The I party was working as APS Khajasi at Hospet in the office of the II party. As a result the I party was not in position to attend to his duties from 1980. The I party was suffering from mental depression. As a matter of fact the I party was taking treatment at Bangalore upto 6-7-87. On his becoming fit for duty he submitted his joining report to the II party, subsequently the I party approached DPO, Guntakal on 9-5-80 and requested for a job. There was no response from the II party. The I party had put in more than 20 years of service when he was removed from service in 1986. He was working since 1962. In 1971 he was granted APS scale. This being so the I party seized to be a temporary workman. In view of the grant of APS scale he became a permanent employee. The I party workman was removed from service without issuing any show cause notice or holding enquiry. The order of terminating the services of I party is illegal. It has to be set aside. In view of the poor health of the I party there would be justification for him to remain absent. The I party is entitled to be reinstated with full back wages.

3. In the counter statement filed by the II party it is stated:—

It is true that the I party workman was working under the II party. It is false to say that the I party did not attend to his duties from 1980. But he started absenting himself from 7-10-79. It is false that the I party was taking treatment at Bangalore. The absence of the I party workman was deliberate. It is not true that the I party had put in 20 years of service. The services of the I party workman have been validly terminated. There was no need to issue a show cause notice to the I party in view of Rule 732 of Indian Railway Establishment Code Vol. I. The I party was only a temporary monthly rated employee. The I party is not entitled to any relief.

4. On 2-5-89 my Learned Predecessor has framed the following issue:—

"Whether the action of the II party management is justified under Rule 732 of Vol. I of Indian Railways Establishment Code, on the ground that he had been unauthorisedly absent as alleged in para 7 of the counter statement?"

It is obvious that the issue framed by my Learned Predecessor is more or less the same as the schedule to reference.

5. On 19-9-91 the sitting was held at Bellary and Advocate Mr. C. Ramanjaneyulu filed power for I party. The case was again taken up at Bellary sitting on 20-9-91. On 20-9-91 WW-1, witness on behalf of the I party was examined.

6. The case was again taken up at Bellary sitting on 16-10-92 after issuing notices to both parties and Advocates. On 16-10-92 M.W.1 who had been examined-in-chief and whose cross-examination was deferred at request was present. But the I party was not present. His Advocate who is from the local Bar was also not present. The case was taken up on 19-10-92 at Bellary. The counsel for the II party has filed a memo that he had informed the counsel for the I party that the case was posted to 19-10-92. Even so the counsel for the I party did not attend the sitting. It is true that the I party was not served with notice and the notice issued to I party was returned unserved. Notice had been issued to I party's Advocate also. Atleast he could have come and cross-examined MW-1 or prayed for adjournment. But he did not attend the proceedings at Bellary.

7. On 19-10-92 MW-1, who was present for being cross-examined, was further examined-in-chief with permission. Since the counsel for the I party workman was absent, the cross of M.W.1 was taken nil. The case of the II party was closed. The case of the I party was taken closed and the case was posted for award.

8. The I party has not stepped into the witness box. He has stated in the claim statement that he was granted the APS scale in the year 1971 and so he seized to be a temporary employee and became a permanent employee. The I party has not produced any document to show that because he was granted APS scale he became a permanent employee. It should be borne in mind that the I party has not mentioned in the claim statement any provision under the Indian Railway Establishment Code or elsewhere that he became a permanent railway employee because he was granted APS scale.

9. The II party has produced Ex. M.2. M.W.1 Narasimharao, Senior clerk of the II party, has stated that Ex. M.2 is the intimation letter to workers regarding casual labour brought on to monthly rates of pay. The name of the I party workman is found at Sl. No. 48 in Ex. M.2. Ex. M.2 clearly recites that the employees mentioned in Ex. M.2 were casual labourers and they were brought on temporarily to the monthly rate of pay in the authorised pay scale (APS). The contents of Ex. M.2 clearly negative the plea raised by the I party workman that he was a permanent employee. Ex. M.3 is the service record of the I party workman. The entries in Ex. M.3 also show that the I party workman continued to be a casual labourer and he was brought on temporarily to the APS scale. It is obvious that the I party workman was a workman with temporary status.

10. Rule or Clause 149 of the Indian Railway Establishment Code clearly shows that no notice of termination will be necessary in case he is a temporary employee.

11. W.W.1 has been examined to prove that the I party workman, when he was at Bangalore, was behaving like a mad man and he was not mentally all right. W.W.1 has stated in his evidence that they took I party to City clinic in Jai Muniraj Circle and he was admitted on 7-5-80 to that clinic and he was an inpatient upto 6-11-85. This evidence cannot be believed because if the I party was really ill and mentally not all right, he would have got himself admitted in the Railway Hospital.

12. I have already come to the conclusion that the I party workman was a temporary employee. Even according to the I party workman he was absent from duty from 7-10-79 to 7-5-80 (for 7 months). M.W.1 has stated that the I party never applied for leave of any kind. So it must be deemed that the I party workman was on unauthorised absent. Clause or Rule 732(1)(a) of Indian Railway Establishment Code, Vol. I says that a temporary railway servant may be granted extraordinary leave without leave salary for not more than 3 months at any one time. It is not the case of the I party that he was suffering from tuberculosis. As has already been stated the I party workman was absent from duty for 7 months. Though he was entitled for extraordinary leave for 3 months, he was not entitled to extraordinary leave for more than 3 months. The absence of the I party temporary workman was unauthorised and so his services have been validly terminated.

13. Ex. M.1 is the leave account extract of the I party workman. M.1(a) is the relevant entry. Ex. M.1(a) shows that the I party workman has not attended the duty from 7-10-79 to 3-4-86. He was absent for 6-1/2 years. His services have been validly terminated as per the order mentioned in Ex. M.1(a) under Rule 732 of Indian Railway Establishment Code, Vol. I. The order is dated 3-4-86. The I party was absent till that day from 7-10-79. He was not entitled to any notice before terminating his services since he was a temporary monthly rated worker.

14. For the aforesaid reasons, I pass the following:

ORDER

The reference is rejected. Award shall be passed rejecting the reference. Submit to Government.

(Dictated to Stenographer, typed by him, corrected and signed by me on 30th October, 1992).

M. B. VISHWANATH, Presiding Officer
CGTF-I.C. Bangalore

नई दिल्ली, 18 नवम्बर, 1992

ANNEXURE

का. आ. 3009.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उच्च रेलवे, जयपुर के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-92 को प्राप्त हुआ था।

[एल-41012/20/83-डी-2 (बी) (पार्टे)]

के. बी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 18th November, 1992

S.O. 3009.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway Bikaner and their workman, which was received by the Central Government on 17-11-92.

[No. L-41012/20/83-D.II (B)(Pt.)]

K. V. B. UNNY, Desk Officer

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी. आई. टी. 9/84.

केन्द्र सरकार श्रम मंत्रालय की अधिसूचना संख्या :
एल. 41012/20/83/डी-II (बी) दि. 9-12-83.

उपाध्यक्ष, रेलवे केजुअल लेबर यूनियन, डागा स्कूल के पास, बीकानेर।

बनाम

एथीजुनल इंजीनियर, नोदर्न रेलवे, बीकानेर।

डिवीजुनल पर्सनल ऑफिसर, नोदर्न रेलवे, बीकानेर।

उपस्थिति

माननीय न्यायाधीश श्री जगत मिह, आर. एच.
जे. एस.

यूनियन की ओर से : श्री अरविन्द सिंह भेंगर

नियोजक पक्ष की ओर से : श्री एल. सी. मेहरा

दिनांक अवरार्ध : 20-9-91

अवार्ड

केन्द्र सरकार ने निम्नलिखित विवाद इस न्यायाधिकरण को अधिनियम हेतु अपनी अधिसूचना सं. एल. 41012/20/83/डी-II (बी) दि. 9-12-83 के द्वारा औद्योगिक विवाद अधिनियम 1947 की धारा 10(1)(घ) के अंतर्गत प्रेषित किया है—

“Whether the action of the management of Northern Railway in relation to their DEN & DPO, Bikaner in terminating the services of the 32 workmen whose details are given in the annexure in violation of sections 25F, 25G of the I.D. Act, 1947 and Rule 77 of the I.D. (Central) Rules, 1957 is justified. If not, to what relief are these concerned workmen entitled?”

Name of the workmen	Date of termination
1. Shri Davendra Kumar	8-12-1981
2. Shri Radheysyam	15-9-1981
3. Shri Rauoram	25-1-1980
4. Shri Mangaram	15-7-1980
5. Shri Surjaram	19-7-1980
6. Shri Aasuram	30-11-1979
7. Shri Anupsingh	27-7-1980
8. Shri Kurdaram	29-9-1981
9. Shri Sanwata	29-9-1981
10. Shri Kurdaram	29-9-1981
11. Shri Gopal Krishna	29-9-1981
12. Shri Perneswar	25-9-1981
13. Shri Shishupal Singh	25-9-1981
14. Shri Madanlal	1-1-1981
15. Shri Puraram	29-9-1981
16. Shri Laxman	12-6-1980
17. Shri Fatehsingh	29-9-1981
18. Shri Bhagirath	1-8-1980
19. Shri Rawatram	29-9-1981
20. Shri Shyamram	29-9-1981
21. Shri Jhanbar	29-9-1981
22. Shri Chauthuram	18-11-1980
23. Shri Devisingh	29-9-1981
24. Shri Rameshwar	4-2-1981
25. Shri Mohan Singh	29-9-1981
26. Shri Ram Kumar	11-10-1981
27. Shri Pema Ram	22-12-1976
28. Shri Rooparam	22-8-1977
29. Shri Hari Ram	7-5-1974
30. Shri Mohd. Ali	1-7-1981
31. Shri Gauri Shankar	15-9-1981
32. Shri Manak Chand	15-9-1981

2. रेलवे केजुअल लेबर यूनियन, बीकानेर, जिसे तत्पश्चात् प्रार्थी संघ सम्बोधित किया गया है, के द्वारा औद्योगिक विवाद उठाने पर यह निर्देश उपरोक्त 32 श्रमिकों वादत भारत सरकार श्रम मंत्रालय, नई दिल्ली द्वारा इस न्यायालय में उठाया गया है। प्रार्थी संघ का कथन है कि निर्देश में अंकित 32 कर्मचारियों ने सेवा मुक्ति से पूर्व एक कनेक्शन वर्ष में 240 दिवस में अधिक काम कर लिया था और फिर भी प्रार्थी नियोजक ने धारा 25 (एफ) के प्रावधानों का लाभ दिये बिना इन व्यक्तियों को सेवा मुक्ति किया है जो अनुचित एवं अवैध है।

3. प्रार्थी संघ यह भी कहता है कि इनमें से किसी भी श्रमिक को किसी दुराचरण के आधार पर सेवा मुक्ति नहीं किया गया है इसलिए इनकी सेवा समाप्ति छंटनी की परिभाषा में आती है जो धारा 25एफ के अंतर्गत छंटनी भत्ता नहीं देने के कारण स्वतः ही निरस्तनीय है।

4. प्रार्थी संघ यह भी कहता है कि सेवा समाप्ति के समय इन श्रमिकों की छंटनी अवकाश इन जैसे पदों पर नियुक्त श्रमिकों को भी कोई वरिष्ठता सूची नहीं बनाई गई है इस कारण धारा 25 (जी) एवं नियम-77 की भी अवहेलना की है इसलिए भी ये श्रमिक पुनः नियोजन के अधिकारी हैं।

5. प्रार्थी संघ कहता है कि रेलवे नियमों एवं स्थाई आदेशों के अंतर्गत लगभग 120 दिन काम करके अस्थायी

चतुर्थ श्रेणी कर्मचारी का स्टेटस् मिल जाता है इन श्रमिकों ने भी लगातार 120 दिवस की सेवा पूरी कर ली थी और इस प्रकार इन्हें भी अस्थाई चतुर्थ श्रेणी कर्मचारियों का स्टेटस टर्मिनेशन से पूर्व प्राप्त कर लिया था और वे 196-332 अथवा 200-250 के वेतनमान के अधिकारी हो गये थे, परन्तु नियोजक ने इन्हें अस्थाई चतुर्थ श्रेणी कर्मचारी का स्टेटस देने की बजाय उपरोक्त वेतनमान देने की बजाय इनकी सेवा मुक्त कर दिया जो सर्वथा एवं अनुचित है। प्रार्थी संघ का कहना है कि सेवा मुक्ति आदेश अभास्त किया जाये और इन श्रमिकों को सेवा मुक्ति की दिनांक से ही पुनः नियोजन में लिया जाये तथा इन्हें सेवा मुक्ति की दिनांक से इनके पद का वेतन व अन्य सभी लाभ दिये जायें तथा सेवा की निरन्तरता कायम रखी जाये।

6. प्रार्थी संघ न तो संयुक्त क्लेम प्रस्तुत किया है जबकि अप्रार्थी नियोजक के प्रत्येक श्रमिक का अलग प्रति-उत्तर प्रस्तुत कर प्रकट किया है कि इनमें से किसी भी श्रमिक ने 240 दिवस लगातार कार्य नहीं किया और वे धारा 25(एफ) के अधिकारी नहीं हैं। नियोजक यह भी कहता है कि इन श्रमिकों को टी. एल. ए. आने पर ही नियोजन में लिया गया था और टी. एल. ए. समाप्त होने पर इनकी सेवार्य स्वतः ही समाप्त हो गई थी। इनकी सेवा मुक्ति नहीं की गई है इसलिए भी तथाकथित सेवा मुक्ति छंटनी की परिभाषा में नहीं आती और इन पर धारा 25 एफ लागू नहीं होती। नियोजक यह भी कहता है कि मंजूर स्तर पर वरिष्ठता सूची बनाने का आदेश नहीं है बल्कि उपमण्डल स्तर पर ही वरिष्ठता सूची बनाने का आदेश है परन्तु ये श्रमिक केजुअल वर्कर थे और टी. एल. ए. के आधार पर इन्हें नियोजन में लिया गया था तथा टी. एल. ए. समाप्त होने पर इनकी सेवार्य स्वतः समाप्त हो गई थी, इसलिए भी ऐसे श्रमिकों की वरिष्ठता सूची नहीं बनाई गई।

7. प्रार्थी संघ ने अपने कथनों के समर्थन में श्रमिकों के परीक्षण कराये हैं जिनसे नियोजक प्रतिनिधि ने जिरह भी की है। इसके विपरीत नियोजक की तरफ से सर्वश्री लालचंद्र, सत्यनारायण शर्मा, मोहम्मद अनीस के परीक्षण हुए हैं जिनसे श्रमिक प्रतिनिधि ने जिरह की है। प्रलेखित साक्ष्य में नियोजक की तरफ से श्रमिकों द्वारा किये गये कार्य दिवसों का चार्ट प्रस्तुत हुआ है। तत्पश्चात् मैंने पत्रावली का निरीक्षण किया और पक्षकारों के प्रतिनिधियों को विस्तारपूर्वक सुना।

8. जहां तक धारा—25(एफ) के प्रावधानों का प्रश्न है अगर एक कलेण्डर वर्ष में किसी श्रमिक ने 240 दिवस की सेवा पूरी कर ली है तो वह धारा 25(एफ) के लाभ का अधिकारी हो जाता है। उक्त 240 दिवस लगातार होना आवश्यक नहीं तथा उक्त 240 दिवस में नेशनल होलीडे, फेस्टीवल तथा रबीवारीय अवकाश भी शामिल हो जाते हैं। नियोजक प्रतिनिधि ने भी उपरोक्त

विधिक प्रस्तावना को बहुसं के दौरान स्वीकार किया है अतः इस विषय में न्यायिक निर्णयों का उल्लेख करना आवश्यक नहीं है।

9. किस श्रमिक ने कितने दिवस की सेवा पूरी की थी इस विषय में प्रत्येक श्रमिक वाचत विस्तार से विशेषण करना होगा :

1. देवेन्द्र कुमार :

यह श्रमिक साक्ष्य देने स्वयं उपस्थित नहीं हुआ और न ही इसकी तरफ से नियोजक ने कोई साक्ष्य पेश की है। नियोजक की तरफ से जो चार्ट प्रस्तुत हुआ है उसके अनुसार भी श्रमिक ने एक कलेण्डर वर्ष में 240 दिवस की सेवा पूरी नहीं की है इसलिए ये श्रमिक धारा 25(एफ) के लाभ का अधिकारी नहीं है। धारा 25(जी) के लाभ का अधिकारी है या नहीं इस बाबत पृथक् से निर्णय किया जायेगा।

2. राधेश्याम :

इस श्रमिक की सेवा मुक्ति दिनांक 15-9-81 को की गई थी। इसने अपने कथनों के समर्थन में स्वयं का शपथपत्र दिया है जिससे नियोजक प्रतिनिधि ने जिरह की है। श्रमिक ने अपने शपथ पत्र में कहा है कि उसे सेवा मुक्ति के दिन हुए एक कलेण्डर वर्ष में 240 दिवस से अधिक सेवा पूरी कर ली थी हालांकि नियोजक प्रतिनिधि ने इन तथ्यों को अस्वीकार किया है परन्तु नियोजक की तरफ से जो चार्ट प्रस्तुत हुआ है उसके अनुसार भी 14-9-80 से 14-9-81 तक इस श्रमिक ने 257 दिवस कार्य कर लिया था। इस प्रकार चाहे टी. एल. ए. समाप्त होने पर ही इसे सेवा मुक्त किया गया हो यह धारा 25(एफ) के लाभ का अधिकारी था जो हकीकत रूप से इसे नहीं दिया गया इसलिए धारा 25(एफ) अवहेलना होने में इस श्रमिक की सेवा समाप्त स्वतः ही अवैध हो जाती है और यह दिनांक 15-9-81 से पुनः नियोजन प्राप्त करने का अधिकारी हो जाता है।

3. राऊ राम :

इस श्रमिक की सेवा मुक्ति दिनांक 25-1-80 को की गई थी। इसने अपने शपथ पत्र में यह अंकित किया है कि दिनांक 25-1-80 को समाप्त हुए एक कलेण्डर वर्ष में उसने 240 दिवस की सेवा पूरी कर ली थी। नियोजक प्रतिनिधि ने इस साक्ष्य में प्रतिपरीक्षा की है परन्तु यह प्रतिपरीक्षा की कमीटी पर खरा उतरा है। नियोजक साक्षी श्री लालचन्द्र ने शपथपत्र में तो यह कहा है कि श्रमिक ने 240 दिवस लगातार कार्य नहीं किया परन्तु नियोजक की तरफ से इस श्रमिक ने सेवा अवधि का जो चार्ट प्रस्तुत हुआ है उसके अनुसार 25-1-79 से 25-1-80 तक इस श्रमिक ने 233 दिवस सेवा पूरी कर ली थी जिसमें रविवारीय अवकाश, शनिवार नहीं थे न ही राष्ट्रीय अवकाश अथवा त्यौहार अवकाश शामिल है, जिनका लाभ देने पर यह श्रमिक 240 दिन से अधिक सेवा में पाया जाता है,

अतः धारा 25एफ का लाभ भी दिया इसकी सेवा मुक्ति स्वतः ही अनुचित एवं अवैध हो गई है और यह दिनांक 25-1-80 से पुनः नियोजित या अधिकारी हो जाता है।

4. संगता शम :

इस श्रमिक की सेवा समाप्त दिनांक 15-7-80 को की गई थी इसने अपने शपथ पत्र द्वारा प्रकट किया है कि दिनांक 15-7-80 को समाप्त हुए एक कलेण्डर वर्ष में उसने 240 दिवस में अधिक सेवा पूरी कर ली थी। इस श्रमिक ने नियोजक प्रतिनिधि ने प्रतिपरीक्षा भी की है और यह कहें निश्चित नहीं हुआ है हालांकि नियोजक साक्षी ने अपने शपथ पत्र में यह कहा है कि इस श्रमिक ने 240 दिवस लगातार सेवा नहीं की परन्तु नियोजक की तरफ से जो चार्ट पेश हुआ है उसके अनुसार इस श्रमिक ने 15-7-79 से 15-7-80 तक 250 दिवस की सेवा कर ली थी इसलिए इसकी सेवा मुक्ति चाहे टी. एन. ए. समाप्त होने पर की गई हो इसे 25(एफ) के प्रावधानों का लाभ दिया जाना चाहिए था जो नहीं दिया गया। इसे छंटनी भत्ता भी नहीं दिया गया न ही नोटिस पे दी गई इसलिए इसकी सेवा मुक्ति स्वतः ही अनुचित एवं अवैध हो गई और यह श्रमिक 15-7-80 से पुनः नियोजित होने का अधिकारी है।

5. सुरजारास :

इस श्रमिक की सेवा मुक्ति दिनांक 19-7-80 को की गई थी। इसने अपने शपथ पत्र द्वारा यह प्रकट किया कि सेवा मुक्ति के दिन समाप्त हुए एक कलेण्डर वर्ष में उसने 240 दिवस में अधिक सेवा कर ली थी। फिर भी उसे धारा 25(एफ) का लाभ नहीं दिया हालांकि नियोजक साक्षी ने अपने प्रति उत्तर की तरह ही शपथ पत्र में यह कहा है कि इस श्रमिक ने 240 दिवस की लगातार सेवा नहीं की परन्तु नियोजक द्वारा जो चार्ट प्रस्तुत किया गया है उसमें दिनांक 19-8-79 से 18-7-80 तक इस श्रमिक द्वारा 248 दिवस की सेवा करना प्रमाणित हो जाता है और चूंकि सेवा मुक्ति के समय इसे धारा 25एफ का लाभ नहीं दिया गया इसलिए चाहे इसकी सेवा समाप्त टी. एन. ए. समाप्त होने पर की गई हो वह धारा 25 एफ के प्रावधानों के विपरीत होने से स्वतः ही अनुचित एवं अवैध हो गई और यह श्रमिक 19-7-80 से नियोजित होने का अधिकारी है।

6. आरुताम :

इस श्रमिक की सेवा मुक्ति 30-11-79 को की गई थी। इसने अपने शपथ पत्र द्वारा साबित किया है कि सेवा समाप्ति के पूर्व कलेण्डर वर्ष में इसने 240 दिवस नौकरी कर ली थी फिर भी उसे न तो छंटनी भत्ता दिया गया और न ही नोटिस पे। नियोजक ने अपने प्रति उत्तर की तरह ही शपथ पत्र में प्रकट किया कि इस श्रमिक ने एक कलेण्डर वर्ष में 240 दिवस की सेवा पूरी नहीं की है। नियोजक की तरफ से जो चार्ट प्रस्तुत हुआ है उसके अनुसार दिनांक 1-5-79

से 29-5-79 तक इस श्रमिक ने 183 दिन ही कार्य किया है। उक्त अवधि में 30 रविवारीय अवकाश तथा नेशनल होलीडे एवं फेस्टीवल जोड़ने से 240 दिन नहीं बनते हैं इसलिए यह श्रमिक धारा 25 एफ के प्रावधानों के लाभ का अधिकारी नहीं था। इसे धारा 25(जी) का लाभ मिलता है या नहीं यह पृथक् से निर्णय किया जायेगा।

7. अनोप सिंह :

इस श्रमिक की सेवा मुक्ति 27-7-80 को की गई थी। श्रमिक ने अपने शपथ पत्र में दर्ज किया है कि सेवा मुक्ति से पूर्व कलेण्डर वर्ष में 240 दिवस पूरे कर लिये थे परन्तु नियोजक उक्त तथ्यों को स्वीकार नहीं करते। नियोजक साक्षी कहते हैं कि इस श्रमिक ने 240 दिवस पूरे नहीं किये थे। नियोजक की तरफ से जो चार्ट प्रस्तुत हुआ है उसमें अनुसार भी दिनांक 27-7-80 से पूर्व एक कलेण्डर वर्ष में इस श्रमिक ने 172 दिवस सेवा की थी उक्त अवधि में अगर 29 रविवारीय अवकाश तथा नेशनल होलीडे एवं फेस्टीवल अवकाश भी जोड़े जायें तो 240 दिवस नहीं बनते हैं इसलिए श्रमिक धारा 25 एफ के लाभ का अधिकारी नहीं है। धारा 25-(जी) का इसे लाभ मिलता है या नहीं इस बाबत पृथक् से निर्णय दिया जायेगा।

8. कुरड़ा राम पुत्र श्री जमनाराम

इस श्रमिक की सेवा मुक्ति दिनांक 29-9-81 को की गई थी। इसने अपने शपथ पत्र में दर्ज किया है कि सेवा समाप्ति के पूर्व एक कलेण्डर वर्ष में उसने 240 दिवस पूरे कर लिये थे और उसे धारा 25एफ का लाभ नहीं दिया गया। नियोजक साक्षी ने अपने प्रति उत्तर की तरह ही शपथ पत्र में दर्ज किया है कि इस श्रमिक ने एक कलेण्डर वर्ष में 240 दिवस की सेवा पूरी नहीं की है। नियोजक की तरफ से जो सेवा चार्ट प्रस्तुत हुआ है उसके अनुसार भी 29-9-80 से 29-9-81 तक इस श्रमिक ने 182 दिवस की ही सेवा पूरी की थी जिसमें 30 रविवारीय अवकाश जोड़ने पर तथा नेशनल होलीडे तथा फेस्टीवल का लाभ देने पर भी 240 दिवस नहीं बनते हैं इसलिए यह श्रमिक भी धारा 25(एफ) के लाभ का अधिकारी नहीं होता है। धारा 25(जी) का लाभ मिलता है या नहीं इस बाबत पृथक् से निर्णय किया जायेगा।

9. सांवताराम :

इस श्रमिक की सेवा समाप्ति भी 29-9-81 को की गई थी। इसने अपने शपथ पत्र में तो यह दर्ज किया है कि सेवा समाप्ति के पूर्व एक कलेण्डर वर्ष में 240 दिन पूरे कर लिये थे। परन्तु नियोजक साक्षी ने अपने प्रति उत्तर की तरह ही कहा है कि इस श्रमिक ने एक कलेण्डर वर्ष में 240 दिवस की सेवा नहीं की है। नियोजक की तरफ से जो चार्ट पेश हुआ है उसके अनुसार भी इस श्रमिक ने दिनांक 29-9-80 से 29-9-81 तक 155 दिवस ही नौकरी की थी उक्त अवधि में रविवारीय अवकाश, नेशनल होलीडे एवं फेस्टीवल जोड़ने पर भी 240 दिवस की सेवा पूरी

नहीं होती है इसलिए यह श्रमिक धारा 25 एफ के लाभ का अधिकारी नहीं बनता है। धारा 25 जी बाबत पृथक से निर्णय किया जायेगा।

10. कुरड़ा राम पुत्र की घातक :

इस श्रमिक की सेवा समाप्ति 29-9-81 को की गई थी। इसने भी अपने शपथपत्र में दर्ज किया है कि सेवा समाप्ति के पूर्व एक कलैण्डर वर्ष में उसने 240 दिवस नौकरी कर ली थी परन्तु नियोजक साक्षी ने अपने प्रतिउत्तर की तरह ही दर्ज किया है कि इसने एक कलैण्डर वर्ष में 240 दिवस सेवा नहीं की। नियोजक की तरफ से जो चार्ट पेश हुआ है उसके अनुसार इस श्रमिक ने 29-9-81 तक 157 दिवस ही कार्य किया था उक्त अवधि में जुड़ने वाले रविवारीय अवकाश, नेशनल होलीडे एवं फेस्टीवल जोड़ने पर भी इसकी सेवा अवधि 240 दिन पूरी नहीं होती और यह श्रमिक धारा 25 एफ के लाभ का अधिकारी नहीं है। धारा 25 जी बाबत पृथक से निर्णय किया जायेगा।

11. गोपाल :

इस श्रमिक की सेवा मुक्ति दिनांक 29-9-81 को की गई थी। इसने अपने शपथपत्र में दर्ज किया है कि सेवा समाप्ति के पूर्व एक कलैण्डर वर्ष में उसने 240 दिवस पूरे कर लिये थे इसके विपरीत नियोजक साक्षी ने प्रति उत्तर की तरह उक्त तथ्यों को अस्वीकार किया है और कहा है कि एक कलैण्डर वर्ष में 240 दिवस उसने पूरे कर लिये थे। इसके विपरीत नियोजक साक्षी ने प्रतिउत्तर की तरह उक्त तथ्यों को अस्वीकार किया है और कहा है कि एक कलैण्डर वर्ष में 240 दिवस सेवा नहीं की है। नियोजक की तरफ से जो सेवा का चार्ट पेश हुआ है उसके अनुसार भी इस श्रमिक ने 29-9-80 से 29-9-81 तक 140 दिवस ही कार्य किया था। उक्त दिवसों में 24 रविवारीय अवकाश एवं नेशनल होलीडे एवं फेस्टीवल जोड़ने पर भी 240 दिवस की अवधि नहीं बनती है इसलिए श्रमिक धारा 25 एफ प्रावधानों के लाभ का अधिकारी नहीं है। धारा 25 (जी) बाबत पृथक से निर्णय किया जायेगा।

12. परमेश्वर :

इस श्रमिक की सेवा समाप्ति दिनांक 25-9-81 को की गई थी। इसने अपने शपथपत्र द्वारा प्रकट किया है कि सेवा मुक्ति से पूर्व एक वर्ष में उसने 240 दिवस सेवा पूरी कर ली थी। इसके विपरीत नियोजक साक्षी ने प्रतिउत्तर की तरह उक्त कथनों को अस्वीकार किया है और कहा है कि एक कलैण्डर वर्ष में 240 दिवस निरन्तर सेवा नहीं की है। नियोजक की तरफ से जो चार्ट पेश हुआ है उसके अनुसार इस श्रमिक ने 25-9-80 से 25-9-81 तक 194 दिवस सेवा की थी। उक्त अवधि में 32 रविवारीय अवकाश तथा नेशनल होलीडे एवं फेस्टीवल जोड़ने पर भी 240 दिवस नहीं बनते हैं इसलिए यह श्रमिक भी धारा 25 एफ के लाभ का अधिकारी नहीं है। धारा 25 जी बाबत पृथक से निर्णय किया जायेगा।

13. शीणपाल सिंह :

इस श्रमिक की सेवा समाप्ति की 25-9-81 को की गई थी। इसने भी अपने शपथपत्र द्वारा प्रकट किया है कि इसने सेवा समाप्ति से पूर्व एक कलैण्डर वर्ष में 240 दिवस की सेवा पूरी कर ली थी इसके विपरीत नियोजक साक्षी ने अपने प्रतिउत्तर में यह कहा है कि इस श्रमिक ने एक कलैण्डर वर्ष में 240 दिवस पूरे नहीं किये। श्रमिक की सेवा अवधि का जो चार्ट पेश हुआ है उसके अनुसार इसने 25-9-80 से 25-9-81 तक 155 दिवस ही सेवा पूरी की है उक्त अवधि में रविवारीय अवकाश तथा नेशनल होलीडे एवं फेस्टीवल जोड़ने में भी 240 दिवस नहीं बनते हैं इसलिए यह श्रमिक धारा 25 एफ के लाभ का अधिकारी नहीं है। धारा 25 जी बाबत पृथक से निर्णय किया जायेगा।

14. मदन लाल :

इस श्रमिक की सेवा मुक्ति दिनांक 1-1-81 को की गई थी। इसने भी अपने शपथपत्र में यह दर्ज किया है कि सेवा समाप्ति के पूर्व एक वर्ष में उसने 240 दिवस पूरे कर लिये थे। इसके विपरीत नियोजक की तरफ से कोई साक्ष्य पेश नहीं हुई है तथा नियोजक ने इस श्रमिक की सेवा अवधि का जो चार्ट पेश किया है उसके अनुसार दिनांक 1-1-80 से 1-1-81 तक 56 दिवस ही कार्य किया है। श्रमिक के मौखिक अप्रुप्त कथनों पर विश्वास नहीं किया जा सकता और यह साबित नहीं है कि इसने एक कलैण्डर वर्ष में 240 दिवस सेवा कर ली हो। इसलिए यह धारा 25 एफ के लाभ का अधिकारी नहीं है और धारा 25 जी बाबत पृथक से निर्णय किया जायेगा।

15. पुराराम :

इस श्रमिक की सेवा मुक्ति 29-9-81 को की गई थी। इसने भी अपने शपथपत्र द्वारा कहा है कि सेवा समाप्ति के पूर्व एक वर्ष में 240 दिवस से अधिक नौकरी कर ली थी। उक्त तथ्यों को नियोजक पक्ष अस्वीकार करता है तथा अपने प्रतिउत्तर की तरह ही नियोजक साक्षी ने अपने शपथपत्र में कहा है कि इस श्रमिक ने एक कलैण्डर वर्ष में लगातार 240 दिवस पूरे नहीं किये। नियोजक की तरफ से सेवा अवधि का जो चार्ट पेश हुआ है उसके अनुसार भी इस श्रमिक ने 29-9-80 से 29-9-81 तक 190 दिवस कार्य किया है। उक्त अवधि में 33 रविवारीय अवकाश जोड़ने से तथा नेशनल होलीडे एवं फेस्टीवल का लाभ देने पर 240 दिवस की सेवा नहीं बनती है। इसलिए यह श्रमिक धारा 25 एफ के लाभ का अधिकारी नहीं है। धारा 25 जी के बाबत पृथक से निर्णय किया जायेगा।

16. लिङ्गमण :

इस श्रमिक की सेवा समाप्ति दिनांक 12-6-80 को की गई थी। इसने अपने शपथपत्र में प्रकट किया है कि सेवा समाप्ति से पूर्व एक वर्ष में 240 दिवस पूरे कर लिये थे। इसके विपरीत नियोजक की साक्ष्य नहीं है तथा जो सेवा अवधि बाबत प्रलेख प्रस्तुत किये गये हैं उसके अनुसार दिनांक

12-6-79 से 12-6-80 तक इसने 48 दिवस ही काम किया है। यह धारा 25 एफ के लाभ का अधिकारी नहीं। धारा 25 जी बाबत पृथक् से निर्णय किया जायेगा।

17. फतेह सिंह :

इस श्रमिक की सेवा मुक्ति 29-9-81 को करना बताया है। श्रमिक ने शपथपत्र द्वारा दर्ज किया है कि उसने सेवा मुक्ति से पूर्व एक कलेंडर वर्ष में 240 दिवस से अधिक सेवा पूरी कर ली थी। उक्त कथनों को नियोजक साक्षी ने अस्वीकार किया है और अपने प्रतिउत्तर की तरह ही कहा है कि इस श्रमिक ने एक वर्ष में लगातार 240 दिवस सेवा पूरी नहीं की। परन्तु नियोजक की तरफ से जो चार्ट प्रस्तुत हुआ है उसके अनुसार इस श्रमिक ने दिनांक 31-3-80 से 31-3-81 तक 341 दिवस की सेवा पूरी कर ली थी और दिनांक 28-9-80 से 28-9-81 तक 214 दिवस की सेवा पूरी कर ली थी। उक्त अवधि में 30 रविवारीय अवकाश जोड़ने से 240 दिवस से अधिक कार्य दिवस बन जाते हैं और यह श्रमिक धारा 25 एफ के लाभ का अधिकारी हो जाता है जिसे चाहे टी.एल.ए. समाप्त होने पर सेवा मुक्ति किया गया हो चूंकि इसे छटनी भत्ता नहीं दिया गया इसलिए इसकी सेवा समाप्ति स्वतः अवैध हो जाती है।

18. भानीरथ :

इस श्रमिक की सेवा मुक्ति दिनांक 1-8-80 को की गई थी। इसने अपने शपथपत्र द्वारा कहा है कि सेवा समाप्ति के पूर्व एक वर्ष में 240 दिवस से अधिक कार्य कर लिया था। उक्त तथ्यों को नियोजक ने अस्वीकार किया है और नियोजक साक्षी ने अपने शपथपत्र में प्रतिउत्तर की तरह ही कहा है कि इस श्रमिक ने 240 दिवस सेवा नहीं की। नियोजक की तरफ से जो सेवा अवधि चार्ट पेश हुआ है उसके अनुसार भी 1-8-79 से 1-8-80 तक इस श्रमिक ने 112 दिवस सेवा की है। उक्त अवधि में 18 रविवारीय अवकाश एवं नेशनल होलीडे एवं फेस्टीवल जोड़ने से 240 दिवस नहीं बनते हैं। इसलिए यह श्रमिक धारा 25 एफ के लाभ का अधिकारी नहीं है। धारा 25 (जी) बाबत पृथक् से निर्णय किया जायेगा।

19. राकेश राम :

इस श्रमिक की सेवा मुक्ति दिनांक 29-9-81 को की गई थी। इसने भी अपने शपथपत्र द्वारा कहा है कि सेवा समाप्ति से पूर्व एक वर्ष में 240 दिवस से अधिक नौकरी कर ली थी। उक्त तथ्यों को नियोजक ने अस्वीकार किया है और नियोजक साक्षी ने अपने शपथपत्र में भी प्रतिउत्तर की तरह दर्ज किया है कि इस श्रमिक ने एक वर्ष में 240 दिवस सेवा नहीं की। नियोजक की तरफ से जो चार्ट पेश हुआ है उसके अनुसार 29-8-80 से 29-9-81 तक इस श्रमिक ने 206 दिवस की सेवा पूरी की है। उक्त अवधि में 34 रविवारीय अवकाश का लाभ देने पर तथा नेशनल होलीडे एवं फेस्टीवल का लाभ देने से यह श्रमिक 240 दिवस की सेवा पूरी कर चुका था और धारा 25 एफ का

लाभ प्राप्त करने का अधिकारी हो गया था, चाहे उसकी सेवा समाप्ति टी.एल.ए. समाप्त होने पर की गई हो। उसकी सेवा मुक्ति अवैध सिद्ध हो जाती है और वह श्रमिक 29-9-81 से सेवा में नियोजन का अधिकारी हो गया है।

20. ग्यामा राम :

इस श्रमिक की सेवा मुक्ति 29-9-81 को की गई थी। इसने भी अपने शपथपत्र में दर्ज किया है कि सेवा समाप्ति से पूर्व एक कलेंडर वर्ष में 240 दिवस सेवा पूरी कर ली थी। उक्त कथनों को नियोजक पक्ष ने अस्वीकार किया है और नियोजक साक्षी ने प्रतिउत्तर की तरह ही कहा है कि इस श्रमिक ने एक वर्ष में 240 दिवस पूरे नहीं किये। नियोजक की तरफ से जो सेवा का चार्ट पेश हुआ है उसके अनुसार इस श्रमिक ने 29-8-80 से 29-8-81 तक 191 दिवस सेवा की थी उक्त अवधि में 32 रविवारीय अवकाश मिलाने से एवं नेशनल होलीडे एवं फेस्टीवल का लाभ देने पर भी इसकी सेवा अवधि 240 दिवस नहीं बनती है। इसलिए वह श्रमिक धारा 25 एफ के लाभ का अधिकारी नहीं होता है। धारा 25 जी बाबत पृथक् से निर्णय किया जायेगा।

21. सीमर :

इस श्रमिक की सेवा मुक्ति भी 29-9-81 को की गई थी। क्लेम के अनुसार श्रमिक का कथन है कि सेवा समाप्ति के पूर्व एक वर्ष में वह 240 दिवस की नौकरी कर चुका था फिर भी उसे धारा 25 एफ का लाभ नहीं दिया। अवार्डी नियोजक ने श्रमिक के उक्त कथनों को अस्वीकार किया है। नियोजक साक्षी ने भी अपने प्रतिउत्तर की तरह शपथपत्र में भी उक्त तथ्यों को दर्ज किया है और कहा है कि इस श्रमिक ने 240 दिवस की सेवा पूरी नहीं की थी। इसलिए धारा 25 एफ के लाभ का अधिकारी नहीं था। हालांकि श्रमिक ने अपने कथनों के तबर्न में स्वयं का शपथपत्र दिया है और कहा है कि उसने सेवा समाप्ति के पूर्व एक वर्ष में 240 दिवस पूरे कर लिये थे परन्तु श्रमिक के उपरोक्त अपुष्ट कथनों पर विश्वास नहीं किया जा सकता क्योंकि नियोजक ने उक्त तथ्यों को अस्वीकार किया है तथा नियोजक की तरफ से जो सेवा सम्बन्धित चार्ट प्रस्तुत किया है उसका अनुसार भी इस श्रमिक ने 29-9-81 को समाप्त हुए एक कलेंडर वर्ष में 164 दिवस ही कार्य किया है। उक्त दिवसों में रविवारीय अवकाश तथा नेशनल होलीडे तथा फेस्टीवल भी जोड़ दिये जायें तो भी 240 दिन नहीं बनते हैं। अतः वह श्रमिक धारा 25 एफ के लाभ का अधिकारी नहीं था जहां तक धारा 25 जी का प्रश्न है इसका निर्णय पृथक् से किया जायेगा।

22. चौधुराम :

इस श्रमिक की सेवा समाप्ति दिनांक 18-11-80 को की गई थी। श्रमिक ने शपथपत्र द्वारा प्रकट किया है कि सेवा समाप्ति के पूर्व वर्ष में उसने 240 दिवस की नौकरी कर ली थी फिर भी उसे धारा 25 एफ का लाभ

नहीं दिया गया। श्रमिक के उक्त कथनों को नियोजक साक्षी ने अपने शपथ पत्र द्वारा अस्वीकार किया है परन्तु नियोजक की तरफ से जो सेवा अवधि का चार्ट पेश हुआ है उसके अनुसार दिनांक 5-5-79 से 3-11-79 तक इस श्रमिक ने 167 दिवस की सेवा पूरी की थी, उक्त अवधि में रविवारीय अवकाश, नेशनल होलीडे एवं फेस्टीवल जोड़ दिये जाएं तो भी 240 दिन नहीं बनते हैं इसलिए यह श्रमिक भी धारा 25 एफ के लाभ का अधिकारी नहीं है। धारा 25जी बाबत पृथक से निर्णय किया जायेगा।

22. वैश्व सिंह :

इस श्रमिक की सेवा मुक्ति भी 29-9-81 को की गई थी। श्रमिक ने शपथ पत्र द्वारा प्रवृत्त किया है कि सेवा समाप्ति के पूर्व एक वर्ष में उसने 240 दिवस नौकरी करली थी फिर भी उसे धारा 25 एफ का लाभ दिये बिना सेवा मुक्त किया है। नियोजक साक्षी ने अपने शपथ पत्र द्वारा उक्त तथ्यों को अस्वीकार किया है परन्तु नियोजक की तरफ से जो सेवा चार्ट प्रस्तुत हुआ है। उसके अनुसार 3-2-80 से 3-2-81 तक इस श्रमिक ने 294 दिवस नौकरी करली थी इसलिए यह धारा 25 एफ के लाभ का अधिकारी है, जिसकी पालना किये बिना उसे सेवा मुक्त किया है चाहे इसे टी.एल.ए. समाप्त होने पर सेवा मुक्त किया गया हो अतः धारा 25 एफ के प्रावधानों का उल्लंघन करने से इसकी सेवा मुक्ति अनुचित एवं अवैध हो जाती है।

24. रामेश्वर :

इस श्रमिक की सेवा मुक्ति 4-2-81 को की गई थी। बलेम के अनुसार इसने भी सेवा समाप्ति के पूर्व 240 दिवस पूरे कर लिये थे, उक्त तथ्य को नियोजक ने ज़रिए प्रति उत्तर अस्वीकार किया है परन्तु फिर भी बलेम को साबित करने के लिए न तो श्रमिक के स्वयं का प्रति परीक्षण कराया और न ही कोई लेखिक एवं मौखिक साक्ष्य पेश की इसलिए साक्ष्य के अभाव में यह साबित नहीं है कि श्रमिक ने एक कलेंडर वर्ष में 240 दिवस की सेवा अवधि पूरी की हो। और यह धारा 25 एफ के लाभ का अधिकारी नहीं है। धारा 25जी बाबत पृथक से निर्णय दिया जायेगा।

25. महेंद्र सिंह :

इस श्रमिक की सेवा मुक्ति दिनांक 29-9-81 को की गई थी। इसने अपने शपथ पत्र द्वारा भी यह कहा है कि सेवा समाप्ति के पूर्व एक वर्ष में 240 दिवस से अधिक नौकरी कर ली थी फिर भी उसे धारा 25 एफ का लाभ नहीं दिया। नियोजक साक्षी ने अपने शपथ पत्र द्वारा उक्त तथ्यों को अस्वीकार किया है नियोजक की तरफ से जो सेवा अवधि का चार्ट पेश हुआ है उसके अनुसार इस श्रमिक ने दिनांक 3-2-80 से 3-2-81 तक 244 दिवस की सेवा पूरी कर ली थी इसलिए श्रमिक धारा 25 एफ के लाभ का अधिकारी था। नियोजक ने चाहे

इसकी सेवा समाप्ति टी.एल.ए. समाप्त होने पर की हो कि इसे धारा 25 एफ का लाभ नहीं दिया गया इसलिए इसकी सेवा मुक्ति स्वतः ही अनुचित एवं अवैध हो गई है और यह पुनः नियोजक का अधिकारी हो गया है।

26. रामकुमार :

इस श्रमिक की सेवा मुक्ति दिनांक 11-10-81 को की गई है। श्रमिक ने ज़रिए बलेम कहा है कि सेवा समाप्ति के पूर्व एक कलेंडर वर्ष में 240 दिवस से अधिक नौकरी करली थी। उक्त तथ्य को नियोजक पक्ष ने अस्वीकार किया है फिर भी बलेम साबित करने के लिए न तो श्रमिक ने स्वयं का परीक्षण कराया और न ही अन्य कोई मौखिक व लेखिक साक्ष्य पेश की इसलिए यह साबित नहीं है कि इस श्रमिक ने सेवा समाप्ति के पूर्व एक कलेंडर वर्ष में 240 दिवस की सेवा पूरी की हो और यह श्रमिक धारा 25 एफ के लाभ का अधिकारी नहीं है। धारा 25 जी बाबत पृथक से निर्णय किया जायेगा।

27. पेमाराम :

इस श्रमिक की सेवा मुक्ति दिनांक 22-12-76 को की गई थी। श्रमिक ने शपथ पत्र द्वारा कहा है कि सेवा समाप्ति से पूर्व एक वर्ष में उसने 240 दिनों से अधिक नौकरी कर ली थी। फिर भी उसे धारा 25 एफ का लाभ नहीं दिया गया। नियोजक साक्षी ने ज़रिए शपथ पत्र उपरोक्त तथ्य अस्वीकार किया है परन्तु नियोजक की तरफ से जो सेवा अवधि का चार्ट प्रस्तुत हुआ है उसके अनुसार दिनांक 22-12-75 से 21-12-76 तक इस श्रमिक ने 247 दिवस पूरे कर लिये थे और यह धारा 25 एफ के लाभ का अधिकारी हो गया था। चाहे इसकी सेवा मुक्ति टी.एल.ए. समाप्त होने पर की गई हो नियोजक द्वारा धारा 25 एफ की पालना नहीं करने से इसकी सेवा मुक्ति स्वतः ही अनुचित एवं अवैध हो गई और यह श्रमिक पुनः नियोजक का अधिकारी

28. रूपा राम :

इस श्रमिक की सेवा समाप्ति दिनांक 22-8-77 को की गई थी। श्रमिक ने शपथ पत्र द्वारा कहा है कि उसने सेवा समाप्ति के पूर्व एक वर्ष में 240 दिवस पूरे कर लिये थे किन्तु उसे धारा 25 एफ का लाभ नहीं दिया हालांकि नियोजक साक्षी ने ज़रिए शपथ पत्र श्रमिक के शपथ पत्र के कथनों को अस्वीकार किया है परन्तु नियोजक की तरफ से जो सेवा अवधि का चार्ट प्रस्तुत हुआ है उसके अनुसार इस श्रमिक ने 22-8-76 से 22-8-77 तक 250 दिवस तक सेवा पूरी करली थी इसलिए यह धारा 25 एफ के लाभ का अधिकारी हो गया था चाहे नियोजक ने टी.एल.ए. समाप्त होने पर इसे सेवा मुक्त किया हो परन्तु धारा 25 एफ

की पालना नहीं करने से इसकी सेवा समाप्त स्था: ही अनुचित एवं अवैध हो गई।

29. हरिराम :

इस श्रमिक की सेवा मुक्ति दिनांक 7-5-74 को की गई थी। श्रमिक ने जरिए शपथपत्र कहा है कि सेवा समाप्ति के पूर्व एक वर्ष में उसने 240 दिवस से अधिक नौकरी कर ली थी फिर भी उसे धारा 25 एफ का लाभ नहीं दिया गया। नियोजक साक्षी ने जरिए शपथपत्र उक्त तथ्यों को अस्वीकार किया है परन्तु इस श्रमिक को सेवा अवधि बाबत जो चार्ट प्रदर्श-ए प्रस्तुत हुआ है उससे अनुसार उसने 7-5-73 से 7-5-75 तक 344 दिवस की नौकरी पूरी करली थी। इसलिए यह धारा 25 एफ के लाभ का अधिकारी हो गया था, चाहे टी.एल.ए. समाप्त होने पर नियोजक ने इसे सेवा मुक्त किया हो परन्तु धारा 25 एफ की पालना नहीं की गई इसलिए इसकी सेवा मुक्ति स्वतः ही अनुचित एवं अवैध हो गई और यह पुनः नियोजन का अधिकारी हो गया।

30. मोहम्मद अली :

इस श्रमिक की सेवा मुक्ति दिनांक 1-7-81 को की गई थी। क्लेम में तो यह दर्ज किया है कि सेवा समाप्ति के पूर्व एक वर्ष में इसने 240 दिवस पूरे कर लिए थे उक्त तथ्यों को नियोजक ने अस्वीकार किया है परन्तु क्लेम को साबित करने के लिए न तो श्रमिक ने स्वयं का परीक्षण कराया और न ही अन्य कोई मौखिक एवं प्रलेखिक साक्ष्य पेश की इसलिए अभिलेख पर यह साबित नहीं है कि नियोजक ने धारा 25 एफ की अवहेलना की हो। धारा 25 जी बाबत पृथक से निर्णय किया जाएगा।

31. गोरी शंकर :

इस श्रमिक की सेवा मुक्ति दिनांक 15-9-81 को की गई थी। श्रमिक ने जरिए शपथपत्र कहा है कि सेवा समाप्ति के पूर्व उसने वर्ष में 240 दिवस से अधिक नौकरी कर ली थी फिर भी उसे धारा 25 एफ का लाभ नहीं दिया गया। नियोजक साक्षी ने जरिए शपथपत्र उक्त कथनों को अस्वीकार किया है परन्तु श्रमिक के कथनों की पुष्टि प्रदर्श-1 सविन रिफाईंस से हो जाती है जिसके अनुसार दिनांक 25-5-78 से 25-9-79 तक 333 दिवस नौकरी कर ली थी। इसलिए चाहे टी.एल.ए. समाप्त होने पर इसे सेवा समाप्ति किया गया हो धारा 25(एफ) का लाभ नहीं देने से सेवा मुक्ति स्वतः ही अनुचित एवं अवैध हो गई है और यह श्रमिक पुनः नियोजन का अधिकारी हो जाता है।

32. माणक चन्द :

इस श्रमिक की सेवा मुक्ति भी 15-9-81 को की गई है परन्तु इसे 16-9-81 से पुनः इयूटी पर ले लिया गया है इसलिए प्राथी संघ के प्रतिनिधि ने इसे श्रमिक

बाबत को अन्तर्ष नहीं चाहा है और न ही किसी प्रकार की साध्य पेश की गई है।

10. जहाँ तक धारा 25(जी) के नियमों के संघ ने जरिए क्लेम प्रकट किया है कि सेवा मुक्ति के पूर्व किसी भी प्रकार को वरिष्ठता सूची नहीं बनाई गई। नियोजक साक्षी ने प्रतिप्रोक्षा में स्वीकार किया है कि मण्डल स्तर पर वरिष्ठता सूची बनाना का आदेश नहीं है उपमंडल स्तर पर वरिष्ठता सूची बनाना का आदेश है, परन्तु इन श्रमिकों को सेवा मुक्ति टी.एल.ए. के समाप्त होने पर की गई थी इसलिए उन्हें सेवा मुक्ति होने से पूर्व वरिष्ठता सूची नहीं बनाई गई। निर्णायक का यह कथन है कि इसमें से किसी भी श्रमिक ने एक वर्ष में 240 दिवस पूरे नहीं किये थे इसलिए भी वरिष्ठता सूची बनाना अनैतिक नहीं था। नियोजक प्रतिनिधि के उक्त तर्कों से सहमत नहीं हूँ। मेरी राय में धारा-25 (जी), 25(एफ) धारा ने बनाया हुआ है कि अधिक दोनों धाराएं अपने आप में पृथक पृथक हैं तथा यह आवश्यक नहीं है कि धारा 25 एफ लागू होने पर ही धारा 25 जी लागू होनी हो। चाहे किसी श्रमिक ने एक क्लैन्डर वर्ष में 240 दिवस पूरे नहीं किये हों। निर्णायक के लिए यह अनैतिक था कि 14 दिवसों के पूर्व वह वरिष्ठता सूची बनाता तथा धारा 25(जी) एल.एल.ए. के अनुसार ही छटनो को कार्यवाही करता। मेरी उक्त धारणा की पुष्टि राजस्थान उच्च न्यायालय की एक पीठ के न्याय दृष्टान्त एस.जी. सिविल रिट निदान नं. 3585/89 धर्मपाल सिंह बनाम स्टेट ऑफ राजस्थान के निर्णय दिनांक 13-11-90 से होता है। जिसमें माननीय न्यायाधिवक्ता श्री एन.सी. कोठड़ ने उल्लेखित मत व्यक्त किया है। माननीय उच्चतम न्यायालय ने भी प्रोन्नति संतोष कुमारी बनाम पंजाब राज्य इन्फ्यू एल.आर. 1991(एस) एस सी-1 के-पायदृष्टान्त में 89 दिवस को नियुक्ति रेग्यूलर एवं किनर वेकेंसी में होने के उपरान्त सेवा समाप्ति को अनुचित ठहराया है। उक्त न्याय दृष्टान्त में उपयुक्त सिद्धांतों को विवेचनाशून्य विचार में भी लागू किया जा सकता है चाहे यहां पर प्रार्थी की नियुक्ति टी.एल.ए. पर की गई हो। प्रत्येक उल्लेखित समस्त कारणों से इन समस्त 32 श्रमिकों का सेवा समाप्ति सेवा समाप्ति के पूर्व इन सेवा मुक्ति की वरिष्ठता सूची नहीं बनाने से धारा 25 जी एक नियम-77 के उल्लंघन में हुई है इसलिए चाहे इनमें से किसी श्रमिक ने 240 दिवस पूरे नहीं किये हों और धारा 25 एफ लागू नहीं होती हो फिर भी धारा 25(जी) एवं नियम-77 की अवहेलना होने से इनको सेवा मुक्ति अनुचित एवं अवैध हो जाती है और इन श्रमिकों को सेवा मुक्ति अपास्त की जाती है तथा उन्हें सेवा मुक्ति का दिनांक से ही नियोजित घोषित किया जाता है। इनको सेवा को निरन्तर कायम रखा जाता है तथा उन्हें सेवा मुक्ति अवधि का वेतन व अन्य सभी लाभ दिया जाता है, हालांकि प्राथी संघ ने तो क्लेम में इन श्रमिकों की

196-232 एव 200-250 का बेतनमान विसाने की प्रार्थना की है परन्तु उक्त निषेध का निर्देश प्राप्त नहीं हुआ है इसलिए यह न्यायालय बेतनमान श्रावित निर्देश नहीं देगा परन्तु निषेधक से यह अपेक्षा है कि अगर किसी श्रमिक ने उक्त निषेधों के अनुसार न्यूनतम सेवा अवधि पूरी कर ली हो तो उन्हें बेतनमान दे दिया जाये।

11. नियोजक को यह भी आदेश है कि सेवा भुक्त अवधि का बेतन व ग्रन्थ भत्ते अगर प्रन्दर तीन माह में जमा न किया गया तो वे श्रमिक नियोजक से उक्त राशि पर 12 प्रतिशत प्रतिवर्ष की दर से ब्याज के भी अधिकारी होंगे। उक्त आदेश का अवार्ड पारित किया जाता है, जिसे केन्द्रीय सरकार को प्रकाशनायक अतर्गत धारा 17(1) औद्योगिक विवाद अधिनियम 1947, भेजा जाये।

जगत सिंह, न्यायाधीश

नई दिल्ली, 9 नवम्बर, 1992

का.का.3010.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कूड कारपोरेशन आफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचतट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-11-92 को प्राप्त हुआ था।

[संख्या एल-22012/214/एफ/91-आईआरसी-II]

राजा लाल, डेस्क अधिकारी

New Delhi, the 9th November, 1992

S.O. 3010.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on 3-11-92.

[No. L-22012/214/F/91-IR(C II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 48 of 1992

In the matter of dispute

BETWEEN

Vice President, F.C.I. Workers Union, C-1783, Rajaji-
puram, Lucknow.

AND

The District Manager, Food Corporation of India, B. N.
Road, Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-22012/214/F/91-I.R. (C-II) dated nil, has referred the following dispute for adjudication to this Tribunal:

"Whether the Distt. Manager, Food Corpn. of India, Lucknow, was justified in terminating the services of Shri Harishchand S/o Anokheylal w.e.f. 4-8-90 during the pendency of conciliation proceedings and violation of Section 25-F of the I. D. Act, 1947? If not, to what relief the concerned workman was entitled to?"

2. In this case no claim statement has been filed so far by the Union which has espoused the case despite availing of sufficient opportunity. I may state here that the reference order from the Ministry of Labour was received in this Tribunal on 16-3-92, and the first date was fixed as 9-7-92, for filing of the claim statement on behalf of the Union. It is strange to note that on none of the dates fixed in the case neither the workman nor any office bearer of the Union appeared. It therefore, appears that neither the workman nor the Union is interested in prosecuting the case.

3. Therefore, in view of the facts and circumstances stated above, a no claim award is given against the Union.

4. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 9 नवम्बर, 1992

का. का. 3011.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पैरासिया कालवरी आफ ई.सी.लि. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचतट को प्रकाशित करता है, जो केन्द्रीय सरकार को 3-11-92 को प्राप्त हुआ था।

[संख्या एल-19012/6/84-डी-IV (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 9th November, 1992

S.O. 3011.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Parasee Colliery of E.C. Ltd. and their workmen, which was received by the Central Government on 3-11-92.

[No. L-19012/6/84-D.IV(B)]

RAJA LAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 28 of 1984

Parties :

Employers in relation to the management of Parasee
Colliery of ECL, P.O. Kajoragram, Dist. Burdwan.

AND

Their workmen.

Present :

Mr. Justice Manash Nath Roy.—Presiding Officer.

Appearance :

On behalf of Management.—Mr. P. Banerjee, Advocate.

On behalf of Workmen.—None.

STATE : West Bengal

INDUSTRY : Coal

AWARD

By an order of Reference No. L-19012(6)/84-D.IV(B) dated July 21, 1984, in exercise of powers under Section 10(1)(d) of the Industrial Disputes Act, 1947 (hereinafter referred to as the said Act), the dispute as indicated hereunder :—

“Whether the action of the management of Parasee Colliery of ECL, P.O. Kajoragram, Distt. Burdwan (WB) in dismissing Sri Iswar Harijan their workmen, w.e.f. 5-5-81 is justified? If not, to what relief the workman is entitled?”

was referred for adjudication before this Tribunal. Initially, the cause of the workman concerned was represented by Kham Drama Congress (hereinafter referred to as the Union), who filed their written statement on September 21, 1984. In fact, the representation of the said Union, through their General Secretary Sri B. S. Azad continued till his death, which fact has been recorded in the order sheet dated November 12, 1990 and after his death, one Mr. Nazir, appeared and from the acknowledgement signed in the order sheet of April 8, 1992, it will appear that the said Union was aware of the fact that the proceedings was fixed on June 4, 1992, for leading their evidence by the Employer Colliery (hereinafter referred to as the said Colliery), in respect of the charges. The proceedings as above, was fixed, as it was found by my predecessor-in-office that the domestic enquiry, having been found to be invalid, the said colliery, should be given liberty to lead their evidence in respect of the charges levelled against the workman concerned, before this Tribunal and in that case, the workman should also be given liberty to lead contrary evidence.

2. On June 4, 1992, the said Colliery tendered their evidence on merits and to justify the action as taken, through M.Ws. 2 and 3. But, even despite of knowledge about the date fixed for hearing as aforesaid, nobody appeared for the said Union.

3. M.W-2 was the manager of the said Colliery in 1981 and it was his evidence that the workman concerned blocked the way of his car on January 20, 1981, when he reached the end and end pit and on being asked about such action, the workman concerned has took a chunk of coal for hitting him and also caught him by his shoulder. He stated that on such happening, two other persons reached the place and separated the workman concerned. It has also been alleged that the said workman used filthy language. It has been claimed that ultimately, F.I.R. (Ext. M-3) was lodged, on the basis of the Report Ext. M-2, by the Agent of the said Colliery. The evidence of MW-3 also testified about the incident and happenings. There was no cross-examination of the above witnesses and the statements made by them, went unchallenged. It should also be noted that even after the close of Management's witness, the said Union was duly intimated and served with the notice, fixing September 30, 1992, as the date for argument yet, they have neither appeared nor prayed for any accommodation.

4. Mr. Banerjee, appearing for the said Colliery, indicated that thus, there was, in this case, no contrary or contradictory evidence on all or any point, including the point relating to the attempt to assault. It was also argued by him that on the basis of the definition and scope of the word “Assault” as indicated in Section 351 of the Indian Penal Code, 1860, the acts and actions of the workman concerned, constituted assault or at least an attempt to commit such offence, for which, the said workman was liable to be proceeded with and dismissed, as “Assault” according to Mr. Banerjee, in terms of celebrated determinations, cannot but and should be held to be a misconduct. It cannot be doubted or disputed that Assault or any attempt to assault any superior, as in this case, must be deemed to be misconduct and for that, a workman should be liable to be proceeded with and dismissed, if such charge is duly proved. In this case, as indicated earlier, the action of the workman concerned, which constituted assault or an attempt to assault, was a misconduct and as such, he could be proceeded against. While on the point, reference was also made by Mr. Banerjee, to the case of *Lalu Mahato Vs. The Presiding Officer of the Central Govt. Industrial Tribunal, Dhanbad & Anr.*, 1987 Lab. I. C. 416.

5. Mr. Banerjee, of course, in his usual fairness submitted that even though the point against the workman concerned has been duly proved and established, since he has been dismissed, so, if this Tribunal so thinks, it may, under Section 11A of the said Act, give necessary directions, after recording reasons. Such order, can certainly be within the right and competence of the Tribunal, if it is satisfied that the order of dismissal or discharge was not justified and in that case, the Tribunal may also direct reinstatement of the workman, on such terms and conditions, the Tribunal may think fit or even direct lesser punishment, to be imposed.

6. The charge sheet in this case was dated January 21, 1981 (Ext. W-1) and to my mind, there was no room for any apparent ambiguity or any vagueness in the charges as levelled and that, such fact and so also the fact that the workman concerned duly understood the charges as will appear from his statements, as recorded at the enquiry. It will also appear from the proceedings that, after that, an enquiry was held by Sri K. P. Bhowas, Staff Officer (Technical) of the said Colliery, on being appointed as such, by an order dated 28/30th January 1981, Ext. M-1 (a), passed by the General Manager of the said Colliery, held the enquiry, as would appear from the records. It would also appear that in the enquiry, the workman concerned participated on all the dates with his helper. The Enquiry Report has been produced as Ext. M-1, where from, it revealed that the charges as levelled, were duly proved and established. It should also be noted that primarily, a reply to the charge sheet was filed by the workman as in Ext. M-1 (c) and after the enquiry, by an order dated April 27, 1981, the workman concerned was directed to be dismissed.

7. In view of the state of evidence as disclosed now, it cannot but and should be held that the charges in this case, were duly proved and established and as such, the order of dismissal was duly, authoritatively and with justification, passed. I do not find any extenuating or any circumstances, justifying the use and exercise of powers under Section 11B of the said Act and I feel that if, in a case of this nature, such power is used and exercised, then there would be end of work discipline.

8. Thus, this Reference cannot be answered in the affirmative and as prayed for by the said Union and as such, the same should be and is hereby rejected.

This is my Award.

MANASH NATH ROY, Presiding Officer

Dated Calcutta,

The 12th October, 1992.

नई दिल्ली, 9 नवम्बर 1992

का. आ. 3012.—औद्योगिक विवाद अधिनियम, 1917 (1917 का 14) की धारा 17 के अनुबंध में, केन्द्रीय सरकार तिलाबोनी कोलबरी बन्कोला एरिया आफ ई. सी. लि. के प्रबंधन के संबद्ध निषेधकों और उनके कार्यकारी के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसंसोल के संबद्ध को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-11-92 को प्राप्त हुआ था।

[संख्या एन-22012/14/92-आर्डीआ. (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 9th November, 1992

S.O. 3012.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Tilaboni Colliery Bankola Area of E.C. Ltd. and their workmen, which was received by the Central Government on 3-11-92.

[No. I-22012/14/92-IR(C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL, ASANSOL

REFERENCE NO. 35/92

Present :

Shri N. K. Saha, Presiding Officer.

Parties :

Employers in relation to the Management of Tilaboni
Colliery of E. C. Ltd.

AND

Their workman

Appearances :

For the Employers.—None.

For the Workman.—None.

INDUSTRY : Coal STATES : West Bengal

Dated, the 9th October, 1992

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/14/92-JR(C. II) dated 8-9-92.

SCHEDULE

"Whether the action of the management of Tilaboni Colliery, Bankola Area of E.C. Ltd., in dismissing their workman Shri Mogan Yadav, Surface Tiammer, Tilaboni Colliery, Bankola Area of E. C. Ltd., w.e.f. 23-2-89 is legal and justified? If not, to what relief the workman is entitled to?"

2. This Reference was received by this Tribunal on 16-9-92. Then regd. notice both in Hindi & English was sent to both the parties for submission of written statement to-day (9-10-92).

3. It appears from the Order of Reference that the Ministry was also pleased to send copy of the order of Reference direct to the General Secretary, Colliery Mazdoor Union, Tilaboni Colliery, Bankola Area, Ukhra, Burdwan (713101). The regd. notice which was sent to the General Secretary of the Colliery Mazdoor Union has come back with the remarks that on 19-9-92 the addressee was absent, on 21-9-92 the addressee was present but he refused to accept the letter. Hence the letter has been returned to this Court (Sender). Now it stands that the union has refused the notice. According to the provisions of law it is to be presumed that the General Secretary of the union has refused the letter knowing the full contents of the same.

4. In such circumstances I have no other alternative but to presume that the union is no longer interested to file any written statement and to proceed with the case which leads me to pass a no-dispute award and accordingly a no dispute award is passed.

Dated : 9-10-1992

N. K. SAHA, Presiding Officer

नई दिल्ली, 9 नवम्बर, 1992

का. अ. 3013—औद्योगिक विवाद अधिनियम (1947 (1947 का 14) की धारा 17 के प्रनुसरण में केन्द्रीय सरकार, परबेलिया कोलरी मण्डल मैनेजर्स ई. सी. लि. के प्रबन्धकों के सबब नियोजकों और इनके कर्मचारों के बीच झुझझ में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पंचपद को

प्रकटित करने है, जो केन्द्रीय सरकार को 3-11-92 को प्राप्त हुआ था।

[नंदा एन-22012/406/91-आईआरसी-11]

राजा लाल, डेस्क ऑफिसर।

New Delhi, the 9th November, 1992

S.O. 3013.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Parbelia Colliery of M/s. E.C. Ltd. and their workmen which was received by the Central Government on 3-11-1992.

[No. L-22012/406/91-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, ASANSOL

Reference No. 23/92

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the Management of Parbelia
Colliery of M/s. E.C. Ltd.

AND

Their Workman

APPEARANCES :

For the Employers—Shri B. N. Lala, Advocate.
For the Workman—None.INDUSTRY : Coal STATE : West Bengal
Dated, the 23rd October, 1992

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/406/91-IR (C-II) dated the 21st May, 1992.

SCHEDULE

"Whether the action of the management of Parbelia Colliery of M/s. E.C. Ltd., P.O. Netunia, Dist. Purulia, in not regularising Shri Pandey, Jr. Lamp Room Incharge as Gomosta and also in not paying the difference of wages w.e.f. 1-3-83 are justified? If not, to what relief is the concerned workman entitled to?"

2 Both the parties are absent. This Reference was received by this Tribunal on 25-5-92. Then regd. notice both in Hindi and English was sent to both the parties to file written statement on 11-6-92. The regd. notice was served upon the union on 3-6-92. But on 11-6-92 none appeared for the union though Sri B. N. Lala the Id. Advocate for the management was present. For ends of justice the case was adjourned to 30-6-92 for written statement by the union. On 30-6-92 Sri S. Banerjee, Asstt. Secretary of the union and Sri B. N. Lala the Id. Advocate for the management were present. On the prayer of Sri S. Banerjee the case was adjourned to 14-7-92 for written statement by the union. On 14-7-92 Sri B. N. Lala, Id. Advocate for the management was present. But none appeared for the union. For ends of justice the case was adjourned to 28-7-92 for written statement by the union. On 28-7-92 Sri B. N. Lala, Id. Advocate for the management was present. But none appeared for the union. For ends of justice the case was adjourned to 13-8-92 for written statement by the union. On 13-8-92 Sri B. N. Lala, Id. Advocate for the management was present, but none appeared for the union. The case was adjourned to 27-8-92

the written statement by the union for ends of justice. Similarly on 27-8-92 Sri B. N. Lala, Id. Advocate for the management was present. But none appeared for the union. So the case was adjourned to 17-9-92 for written statement by the union. On 17-9-92 Sri B. N. Lala was present for the management and Sri Bijoy Kumar, Joint Secretary of the union appeared. On the prayer of the union the case was adjourned to 7-10-92 for written statement by the union. On 7-10-92 both the parties were absent. As a last chance the case was adjourned to 23-10-92 for written statement by the union. But the union is also absent today and no step has been taken.

3. In the circumstances I presume that the union is not interested to proceed with the case. So I have no alternative but to pass a no dispute award and accordingly a no dispute award is passed in this case.

Dated : 23-10-1992

N. K. SAHA, Presiding Officer

नई दिल्ली, 9 नवम्बर, 1992

का.सं. 3014.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण से, केन्द्रीय सरकार परास्कोले कोलिरी प्राइवेट लिमिटेड की नि. के प्रबन्धन के पक्ष और उनके कर्मचारियों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद से केन्द्रीय सरकार औद्योगिक अधिकरण आसंसोल के पंचपट की प्रकाशित करती है जो केन्द्रीय सरकार को 3-11-92 को प्राप्त हुआ था।

[संख्या एन-24012/248/87-डी-IV (बी)]

राज नाल, दक्षिण अधिकारी

New Delhi, the 9th November, 1992

S.O. 3014.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Parascole Colliery under M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 3-11-1992

[No. L-24012/248/87-D.IV (B)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 55/88

PRESENT :

Shri N. K. Saha Presiding Officer.

PARTIES :

Employers in relation to the Management of Parascole Colliery under M/s. E.C. Ltd.

AND

Their Workman

APPEARANCES :

For the Employers—Sri P. K. Das, Advocate.

For the Workman—Sri Bijoy Kumar, Joint Secretary of the Union.

INDUSTRY : Coal

STATE : West Bengal

Dated, the 28th October, 1992

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the

Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-24012/248/87-D.IV (B) dated the 28th July, 1988.

SCHEDULE

"Whether the action of the Management of Parascole Colliery of M/s. E.C. Ltd., in not referring the case of Shri Gopal Paul to the Apex Medical Board prior to his retirement i.e. 10-3-87 and not giving employment to his dependant when he remained idle from October, 1985 to 10-3-87 on account of his not being able to resume duty, is justified? If not, to what relief the workman concerned is entitled?"

2. The case of the union in brief is that Sri Gopal Paul the concerned workman was a permanent employee of Parascole Colliery under M/s. Eastern Coalfields Ltd. He was engaged in the job of Line Misty. According to Form 'B' Register his date of birth was recorded as 10-3-1927 and he was to attain the age of superannuation on 10-3-87 in normal course.

In the beginning of the year 1984 the workman became a victim of various complicated ailments and was under the treatment in various hospitals viz Kalla hospital, Chhota hospital and Sanatoria hospital. The diseases became incurable and that compelled the workman to seek voluntary retirement. He was suffering from such ailment which made him to sustain loss of employment. He requested the management to provide employment to his dependant son as per provision of Clause 9.4.3 of NCWA-III. The employer referred his case to the higher authority in February, 1984. In the meantime the workman had to remain idle from June 1985 and he was unable to perform his duty in the mine.

On 28-8-86 the Area Disablement Board advised the workman to continue treatment and at the same time declared him "fit for duty". The workman was unable to perform any duty. So he lodged protest and requested the employer to refer his case to the Apex Medical Board for further examination. But the employer did not take any action in time.

The workman initiated dispute through the union and before the Conciliation Officer the employer contended that on 8-3-87 the workman was directed to appear before the Apex Medical Board on 12-3-87. But the workman did not get any such information. In fact the employer did not refer his case to the Apex Medical Board. In due course the workman was superannuated while he was sitting idle as he was unable to perform his duty due to his illness.

3. The attempts of conciliation failed and the matter was referred to the Ministry of Labour, Government of India. Ultimately the dispute has been referred to this Tribunal for adjudication.

4. The management has filed written objection contending inter-alia that the present Reference is a speculative one and not maintainable according to law. Admittedly the workman was an employee of M/s. Eastern Coalfields Ltd. He opted for voluntary retirement on medical ground. His case was duly forwarded to the Apex Medical Board where he was examined on 28-8-86 and the Board gave the following opinion :

"to continue duty fit for duty"

On that the workman appealed to the management for getting his case reviewed through Apex Medical Board. On his prayer the case was referred to the Apex Medical Board and the Board fixed the date for his examination on 12-3-87. A copy of the letter was served to the workman through his son Manasram Paul on 8-3-87. But Sri Gopal Paul the concerned workman did not appear before the Apex Medical Board. So the workman is not entitled to get any relief in this case. The management has denied all other material arguments of the written statement filed by the workman.

5. Admittedly Sri Gopal Paul was an employee of Parascole Colliery under M/s. Eastern Coalfields Ltd. and his date of birth was recorded in the Form 'B' Register as 10-3-1927 and he was superannuated w.e.f. 10-3-87.

5. The workman has come with the story that in the beginning of the year 1984 he became victim of various complicated ailments and had undergone treatment in

several hospitals. He had to remain idle from June 1985 as he was unable to perform any duty. The story of ailment of the workman is not disputed. Admittedly the workman was referred to the Area Disablement Board for examination and the said Board gave the opinion "to continue treatment fit for duty". It is also not dispute that the workman was sitting idle for a long time before his superannuation. It has been contended from the side of the management that the workman was fit for duty and the report of the Area Medical Board supports that contention, but in spite of the said position the workman preferred to remain idle and it was his loss. The management has denied that the suffering as alleged made him to sustain any loss of employment. But the fact remains that the workman was sitting idle for a long time before his superannuation.

6. Admittedly the workman preferred in Appeal against the finding of the Area Disablement Board and the management also allowed the Appeal and referred his case to the Apex Medical Board. It is the contention of the management that the Apex Medical Board fixed 12-3-87 as the date of his examination but the workman did not appear before the Board. It has been contended from the side of the management that a copy of the letter asking the workman to appear before the Apex Medical Board was served upon the workman through his son Manasram Paul on 8-3-87.

It is very difficult to believe that even after receipt of such notice the workman Gopal Paul did not appear before the Apex Medical Board while he was moving from post to pillar to get him examined by the Apex Medical Board. There is no convincing evidence before me to show that such a notice was received by Gopal Paul. So considering all the facts and circumstances of the present case and considering the principles of equity, natural justice and good conduct I find that the concerned workman must be given a chance for getting him examined by the Apex Medical Board.

7. In the result I find that the action of the management was not justified. The management shall refer the concerned workman Sri Gopal Paul to Apex Medical Board. The Apex Medical Board must be constituted with Doctors one of them must be of Central or State Government Hospital.

- If the Apex Medical Board after examining Sri Gopal Paul finds that he is still fit to perform his duty and he is not a permanently disabled person, then the workman shall not get any relief.
- If the Apex Medical Board finds that at present Sri Gopal Paul is a permanently disabled person, then the Apex Medical Board, on the basis of the documents of treatment which may be filed by both the parties and considering the entire case history of Gopal Paul, shall consider whether Gopal Paul was a permanently disabled person at the relevant time i.e. before 10-3-87.
- If the Apex Medical Board finds that at the relevant time Sri Gopal Paul was a permanently disabled person and he was unfit to perform his duty as claimed by him, then the management shall give him the benefit of Clause 9.43 of NCWA-III and shall provide employment to the dependent of Sri Gopal Paul.

This is my award.

N. K. SAHA, Presiding Officer

नई दिल्ली, 11 नवम्बर, 1992

का. आ. 3015.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फूड कारपोरेशन आफ इंडिया के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकार कानून के पंचवट की प्रकृति करता है, जो केन्द्रीय सरकार की 3-11-92 को प्राप्त हुआ था।

[संख्या एन-42012/31/85-डी. V]

राजा लाल, हेड ऑफिसर

New Delhi, the 11th November, 1992

S.O. 3015.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on 3-11-1992.

[No. L-42012/31/85-D.V]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL, PANDU NAGAR, DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 17 of 1987

In the matter of dispute :

BETWEEN

The President,
Bhartiya Khadya Nigam Mazdoor Sangh,
1 Abdul Aziz Road,
Lucknow.

AND

The District Manager,
Bhartiya Khadya Nigam,
29 B. N. Road, Lucknow.

AWARD

1. The Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-42012/31/85-D.V dated 12-1-87, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Food Corporation of India Lucknow in non regularising S/Shri Putti Lal, Ashok Kumar and Srikishan w.e.f. December, 1979, and subsequently in terminating their services w.e.f. 22nd March, 1985 is justified and legal? If not, to what other benefits the concerned workmen S/Shri Putti Lal, Ashok Kumar and Sri Ushan are entitled and from what date?

2. Sri Raja Ram joint Secretary of the Union makes an statement on the order sheet to the effect that the Union is not interested in the proceedings of the case. The same thing comes out from the various proceedings of the case.

3. Accordingly the reference is answered as not pressed.

4. Reference is decided accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 13 नवम्बर, 1992

का.आ. 3016.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 3 की उपधारा (1) द्वारा प्रवर्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री प्रोतम सिंह, अनुभाग अधिकारी को दिनांक 27-10-92 से अनला आदेश जारी होने तक उत्प्रवास संरक्षा, बंडागढ़ के रूप में नियुक्त करता है।

[संख्या ए-22012/1/92-उत्प्रवास]

आर.के.गुप्ता, अवर सचिव

New Delhi, the 13th November, 1992

S.O. 3016.—In exercise of the powers conferred by Section 3 Sub-section (1) of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri Pritam Singh, Section Officer as Protector of Emigrants, Chandigarh with effect from 27-10-1992 till further orders.

[No. A-22012/1/92-Emig.]

R. K. GUPTA, Under Secy.

नई दिल्ली, 13 नवम्बर, 1992

क्र० आ० 3017.—औद्योगिक विवाद अधिनियम, 1947 (1947 का. 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिन्डिकेट बैंक के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-92 को प्राप्त हुआ था।

[संख्या एल-12011/127/87-डी 2(ए)]

बी. के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 13th November, 1992

S.O. 3017.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 11th November, 1992.

[No. I-12011/127/87-D.II(A)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri P. D. Apshankar, Presiding Officer.

Reference No. CGIT-2/56 of 1988

PARTIES :

Employers in relation to the management of Syndicate Bank

AND

Their workmen.

APPEARANCES :

For the Employer—Mr. U. V. Kukkilaya, Representative.

For the workmen—Mr. N. A. Prabhu, Representative.

INDUSTRY : Banking. STATE : Maharashtra.

Bombay, the 21st October, 1992

AWARD

The Central Government by their Order No. I-12011/127/87-D.II(A) dated 8th December, 1988 have referred the following Industrial Dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Whether the action of the management of Syndicate Bank in not entertaining individual grievances of the workmen represented through Syndicate Bank Staff Association on the ground of having been taken by a minority Union, is justified? If not, to what relief are the workmen entitled?

2. The case of the Syndicate Bank staff Association i.e. the minority union of the Syndicate Bank, as disclosed from the Statement of Claim (Ex. W-2) filed by the General Secretary of their association in short is thus :

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The Syndicate Bank Staff Association is a union registered under the Trade Unions Act, 1926. It was registered in the year 1964. The bank management of the Syndicate Bank issued a circular dated 30th January, 1981 under the heading of, "Rights of recognised unions under the code of discipline". In the last para of that circular it is stated that the unrecognised unions do not have privileges/rights extended to the recognised unions, and that the unrecognised unions cannot carry on any trade union activity on the premises of the bank at any time. As such the bank management even refused to hear the grievances of the members of the said association placed forth through their authorised representatives, like branch secretaries or other office bearers, of the said department.

Clause 517 of the Shastri Award states that;

(1) An employee desirous of the redress of a grievance relating to unfair treatment or wrongful exaction on the part of the bank or a superior shall, either himself or through a representative of a registered union, submit a complaint to the Manager or any officer appointed by the Manager.

(2) The Manager or such officer shall, as soon as possible, investigate the complaint at such time and places as he may fix. The employee concerned or the representative of the union shall have the right to be present at such investigation.

3. Chapter XVIII of the IV Bipartite settlement of 1984 states that :

"If, however, there be any grievance or dissatisfaction in regard to the handling of such matters by the branch manager or any other authority or in regard to the exercise of such authority, the matter shall be resolved expeditiously and amicably through mutual discussions with the branch manager or the authority concerned either by the aggrieved workman himself or by the office bearer(s) of the concerned union or its unit avoiding dislocation of customer service."

The abovesaid association represented to the bank management against the discriminatory treatment/practices of the bank management in denying the basic right of the members of the said association, and their authorised representatives. However the Bank Management failed to clarify the position of unrecognised but registered unions in the bank in the matter of representing the grievances of its members in spite of the clear provisions of various awards, and settlements etc. Thereafter the said association approached the Regional Labour Commissioner (Central) Bombay in the matter. As the conciliation proceedings ended in failure, the Central Government made the reference as above. The act of the Bank Management in not settling the grievances of the members of the said association violates the provisions of the Code of discipline, Industrial Disputes Act, 1947, Awards, Bipartite Settlements and Constitutional provisions. The act of the Bank Management in extending certain privileges to a particular union to the exclusion of others amounts to unfair labour practices under the Industrial Disputes Act, 1947. Therefore, the said association lastly prayed that this Tribunal should hold the action of the bank management in not entertaining the individual grievances of the workmen represented through that association or its authorised representatives on the ground that it is a minority union, as unjust and illegal and that this Tribunal should further direct the bank management to delete the statement made in the bank circular dated 30th January, 1981 against the unrecognised union therefrom.

4. The Management of the Syndicate Bank by their Written Statement (Ex. M/3) opposed the said claim of the said association, and in substance contended thus :

The Syndicate bank management has recognised the Syndicate Bank Employees' Union as a representative body of the workmen, as 75 per cent of the employees of the bank are the members of this union. The Syndicate Bank Staff Association, though registered under the Trade Unions Act, is a minority union and represents a small number of employees

of the bank. By the circular dated 30th January, 1981, the bank management gave certain rights and privileges to the recognised unions. It is the need of Law that once a union is recognised, it will get certain rights and privileges. The unrecognised unions cannot claim such privileges for themselves. The rights and privileges are given to the majority union because of its recognition by the bank and not because of the registration of that union.

5. The Bank Management further contended thus :

The Bank Management gives equal treatment to all the employees of the bank, irrespective of their affiliation to unions, in the matter of redressal of their grievances. The bank always keeps in mind the Employer and Employee relation and not the employer and the Union relation while redressing the grievances of the employees. The bank treats all employees equally and hear their grievances individually, and settle them. However, the question of treating all the unions equally is a different one. The rights and privileges are given by the bank to the said majority union under the code of discipline. Hence the other unrecognised unions cannot claim them. Collective bargaining is the right/privilege of the recognised union/associations. The bank treats all the employees equally irrespective of their affiliation to any unions/Association. As a matter of policy, the bank will discuss on any issue of general nature when brought by the majority/recognised union. In case the representations made by all the different unions are to be considered by the bank, then it may lead to multi unionism in any industry, and may lead to intra-union rivalry and industrial unrest. Therefore, the bank has adopted a policy of one industry and one union. The last paragraph of the circular dated 30th January, 1981 only clarified that the unrecognised unions do not have the rights and privileges given to the majority union. The demand of the unrecognised unions that they have the right/privilege to carry on their trade union activities after the office hours within the office premises on par with the recognised union is not just and fair, and it may lead to industrial unrest. The bank management at the Zonal level sit with the specific grievances brought by the Union other than the recognised union but not at unit level. The question on the point of the employment of the staff, enforcement of the rules of the bank in the matter of discipline, the customers services etc. is discussed by the bank with the recognised union. Even under the trade Unions Act 1926, certain rights are given to the officers of the approved unions. The bank management has not committed any unfair labour practice as alleged by the said association. The action of the Bank Management in the matter in question is quite just and proper. Therefore the Bank Management lastly prayed for the rejection of the prayer of the said association.

6. The Issues framed at Ex. 4 are :

- (1) Whether the Bank Management entertains and tries to solve the grievances of an individual employee, irrespective of its affiliation to any particular union?
- (2) Whether the Bank management has not entertained individual grievances of the workmen represented through the Syndicate Bank Staff Association, i.e. a minority and unrecognised union?
- (3) Whether the act of the Bank management in extending certain privileges to a particular union, i.e. the recognised union, to the exclusion of the other unions, amounts to unfair labour practice?
- (4) Whether the said act of the Bank is against the provisions of the Code of Discipline, and against the different Awards and Settlements?
- (5) Whether the Bank management can be directed to remove the last para of its circular dated 30th January, 1981 regarding the rights and privileges extended to the recognised unions only, from the said circular?
- (6) Whether the action of the management of Syndicate Bank in not entertaining individual grievances of

the workmen represented through Syndicate Bank Staff Association on the ground of having been taken by a minority Union, is justified?

- (7) If not, to what relief, are the workmen entitled?
- (8) What Award?

7. My findings on the said Issues are :

- (1) Yes.
- (2) Generally Yes.
- (3) Yes, as per Clause 13 of the 5th Schedule.
- (4) Yes, in relation to the Shastri Award
- (5) As per final order below.
- (6) No.
- (7) As per final order below.
- (8) As per Award below.

REASONS

8. Shri N. A. Prabhu, the Vice President of the Syndicate Bank Staff Association, filed his affidavit (Ex. W/35) in support of the case of the staff association, and he was cross-examined on behalf of the Bank Management. The Bank Management filed the affidavit Ex. M/35 of Shri Allen C. A. Pereira Deputy Personnel Manager of the Head Office, in support of their case, and he was cross-examined on behalf of the staff Association.

9. The material documentary evidence on record is thus :

Ex. 7, is a copy of the circular dated 14th July, 1969 issued by the Bank Management regarding the Code of Discipline. This Code of Discipline was agreed upon and entered into the Bank Management and the Syndicate Bank employees Union, i.e. the majority union of the Bank. One of the Clauses of the Code states that the management has agreed to recognise the union in accordance with the criteria evolved at the 16th session of the Indian Labour Conference held in May 1958.

10. Ex. W 8 is a copy of the circular dated 30th January, 1981 issued by the Bank Management. It reproduces the contents of the Circular dated 8th September, 1969 regarding the rights of the recognised unions under the Code of Discipline. One of the such rights is that the said majority union is empowered to raise the disputes on behalf of the workmen regarding the service matters before the Bank Management. However the last para of this circular states that :

"The Bank Management would also like to clarify that the unrecognised unions do not have the above referred privileges/rights. Hence, their claim if any, that they have the right/privilege to carry on their trade union activities after office hours within the office premises should not be considered. The unrecognised unions cannot carry on any trade union activity on the premises of the Bank at any time."

As such, as per the said circular, the minority union, i.e. the Staff Association in question was not and is not competent to raise the disputes on behalf of the workmen before the Bank Management.

11. However, the next two documents are important and material.

Ex. W/10 is a copy of the Minutes of the Conciliation proceedings held before the Assistant Labour Commissioner (Central) Bombay, attended by the Vice-President of the said staff Association, i.e. the Minority Union, and the Bank Management. Certain questions were raised before the Assistant Labour Commissioner by that Staff Association regarding the enquiries of that bank, and the conciliation proceedings were successful and the matter was mutually and amicably settled.

Ex. 26 is a copy of another conciliation proceedings held before the Assistant Labour Commissioner (Central) Bombay on 7th June, 1985, attended by the said Vice President of the Staff Association Shri N. A. Prabhu and the Bank Management. Certain questions regarding the service conditions of the bank employees were discussed there, and these conciliation proceedings proved to be fruitful, and the matter was amicably settled between the two parties. Therefore, as the Bank Management had the discussions with the said minority union i.e. the Syndicate Bank Staff Association twice in

the past before the Assistant Labour Commissioner, there is no reason why the Bank Management should refuse to entertain the grievances of the individual workman raised through that minority union, i.e. the Staff Association.

Ex. 35 is the circular dated 6th May, 1967 issued by the Bank Management regarding the recognition of the employees' Unions. This circular states that :

"As the members of staff are aware, we have accepted the Code of Discipline and have recognised the Syndicate Bank Employees' Union which is the only competent body at present fulfilling the requisite conditions. The Syndicate Bank Employees' Union has also recognised the code of discipline. The Syndicate Bank Staff Association, another body, has been claiming to represent the employees. We deeply regret that until the Government of India recommends to us to recognise it, it would not be possible for us to give recognition to this Association. The concerned Ministry of Government of India has advised us in the matter as follows :

"As regards the Staff Association not accepting the recognition granted to the Employees' Union, the former may be advised that it should put forward a formal request for recognition in place of the already recognised union, to you and/or to this Ministry so that its claim can be considered. However, the Association has not yet accepted the Code."

It is therefore clear from the abovesaid circular of the Bank Management as well as the letter from the Government of India that no recognition is being given to the said minority union, i.e. the Staff Association only because that staff association is not making the formal request to the Bank Management or to the Government of India to give recognition to it. Therefore, otherwise the said two authorities are prepared to give recognition to the staff association. It is therefore suggested that the said Syndicate Bank Staff Association i.e. the minority union in their own interests and in the interests of the Bank Management and the Bank employees and to have good and cordial industrial relations with the Bank Management should make a formal application requesting the authority concerned to give recognition to their Union.

12. The oral evidence on record is thus :

Shri N. A. Prabhu, the Vice-President of the Staff Association, stated in his cross-examination that their association is affiliated to the National Organisation of Bank Workers at all India level, that at all India level settlements have been arrived at between the Indian Bank Association and the Central Trade Union of the Bank employees regarding the service conditions from time to time, that the National Organization of the bank workers was a party to the First Bipartite Settlement of 1966, and of the Bipartite Settlements of 1979 and 1980, but the National Organization of Bank Workers did not sign the settlement of 1984 as it was not called, and the matter is under subjudice before the High Court of Bombay at Nagpur. Therefore, as the National Organization of Bank Workers (NOBW) was a party to certain three Bipartite Settlements, and as the said Staff Association i.e. the Minority Union is affiliated to the NOBW, it was not just and proper and it is not just and proper on the part of the bank management not to entertain the individual grievances of the workman of bank raised through their staff association. According to the Bank Management's witness Shri Allen C. A. Pereira, the majority union represents about 73 per cent of the workmen, and the staff association in question represents only about 11 per cent of the employees. At the end of his cross-examination the said bank witness stated that at the Banking Industrial level, on behalf of the member banks, the Indian Banks' Association is finalizing the service conditions with more than 1 union. The Syndicate Bank Staff Union is also one of the unions in the bank and that union is a registered one. Therefore as the Indian Bank Association is finalizing the service conditions with other unions, it is also just and proper on the part of the bank management in question to discuss with the staff association in question regarding the certain matters of the employees raised through that staff association even though a minority but a registered trade union. Para 517 of the Shastri Award clearly supports the case of the staff association. This para 517 states that

"(1) An employee desirous of the redressal of a grievance relating to unfair treatment or wrongful exaction on the part of the bank or a superior shall, either himself or through a representative of a registered union, submit a complaint to the Manager or any officer appointed by the Manager in this behalf. The employee shall also have the right to endorse a copy direct to the head of the department for information. (2) The Manager or such officer shall, as soon as possible investigate the complaint at such time and places as he may fix. The employee concerned or the representative of the union shall have the right to be present at such investigation". Therefore the grievances raised by the bank employees through the said staff association which is admittedly a registered trade union, can in law be heard by the bank management. Chapter XVIII of the IV Bipartite Settlement of 1984 also supports the case of the said staff association. The relevant portion states that :

"If, however, there be any grievance or dissatisfaction in regard to the handling of such matters by the Branch Manager or any other authority or in regard to the exercise of such authority, the matter shall be resolved expeditiously and amicably through mutual discussions with the branch manager or the authority concerned either by the aggrieved workman himself or by the office bearer(s) of the concerned union or its unit avoiding dislocation of customer service."

Therefore this chapter XVIII of the IV Bipartite Settlement also enables the staff association to place forth the grievances of the workman before the bank management, even though it might be a minority union. The Bank Management is relying upon para 588 of the Shastri Award. However the provisions of that para are on different points and do not apply to the facts of the present case. In that case the union was unregistered but was representing 25 per cent of the employees. The Award directed that bank to recognise that union.

13. The Bank Management is relying upon the judgment of the Supreme Court reported in II LJ 1965 between All India Reserve Bank Employees' Association & Another V/s. Reserve Bank of India and Another. It was held in that case that :

"If unions intervene in every industrial dispute between an individual workman and the establishment, the internal administration would become impossible. Hence the national tribunal was held right in the instant case where it negatived the demand for a right to be given to the unions to participate and represent workers in disputes between an individual and the Reserve Bank of India."

However, the said case is of the year 1965. In the recent case of 1989 of the High Court, Bombay, reported in II LJ 1989 page 600 between All India Port and Dock Workers' Federation and Ors. and Union of India and Ors. It was held that merely because a union was a minority union, the refusal by the management to permit it on negotiable table was against law and justice. In that case it was observed thus :

"The Union of India is not justified in refusing to recognise the first petitioner in the matter of negotiating the terms and conditions of service of the Port and Dock workers employed in the major ports of India. The reason given by the Union of India, namely that the 3rd to 6th Respondents collectively represent the largest member of workers, is nothing but an eye wash. It is conceded on behalf of the Union of India that the first petitioner enjoys the third largest membership from amongst the first petitioner and the 3rd to 6th respondents. Merely because it is a split Federation from the third Respondent or it has come into existence at a later stage i.e. in the year 1978 can be no justification to deny the first petitioner a right which on account of large following is due to it."

Therefore, the view taken by the Bombay High Court in 1989 will now prevail, and as such the action of the bank management in not entertaining the disputes raised through the Staff Association cannot be held just and proper. The Bank Management has also relied upon the case of the Supreme Court reported in I LJ 1985 page 314 between Balmer Lawrie Worker's Union, Bombay & Another and Balmer Lawrie and

Company Ltd. and Others. The observations made in the said case is fact support the case of the workmen. In that case it was observed thus :

"Even a non-recognised union enjoys the statutory right to meet and discuss the grievance of individual workmen with employer. It also enjoys the statutory right to appear and participate in a domestic or departmental enquiry in which its member is involved. This is statutory recognition of an unrecognised union or individual workman to represent workman is in the large interest of industry, public interest and national interest. Such a provision could not be said to be violative of fundamental freedom guaranteed under Art. 19(1)(a) or 19(1)(c) of the Constitution of India."

Therefore, for the said different reasons stated above, the action of the bank management cannot be considered and held as just and proper.

14. According to the Bank Management it entertains and tries to solve the grievances of an individual employees irrespective of their affiliation to any particular union. It is an admitted fact that the bank management entertains the individual grievances when raised by the particular employee in person and not through the said minority union.

Issue No. 1 is, therefore, found in the affirmative. Admittedly the Bank Management is not entertaining and has not entertained the individual grievances of the workmen represented through the Syndicate Bank Staff Association i.e. the minority and unrecognised union.

Issue No. 2 is therefore, found in the affirmative. However as noted above, in the past on very few occasions, the Bank Management had the discussion with the said minority union regarding certain workmen before Assistant Labour Commissioner. Therefore at times the bank management entertained the individual grievances of the workmen represented through the minority union.

15. According to the said staff association, the act of the bank management in extending certain privileges to a particular union, i.e. the recognised union to the exclusion of the other union, amounts to unfair labour practice. Clause 2 of the 5th Schedule of the Industrial Disputes Act, 1947 states that :

"In case an employer shows partiality or grants favour to one of several trade unions attempting to organize his workmen or to its members, where such a trade union, is not a recognized trade union,"

It will amount to an unfair labour practice. Therefore, in case partiality is shown in respect of the trade union which is not recognized trade union, then only it will amount an unfair labour practice. In the present case, according to the Staff Union, the bank management has shown partiality to the Syndicate Bank Employees union, which is admittedly a majority and recognized union. Therefore the act on the part of the bank management will not fall within the perview of Clause 2 of the 5th Schedule. However Clause 13 of that Schedule states that :

"The failure to implement award, settlement or agreement on the part of the employer will amount to an unfair labour practice."

In the present case, as noted above, even though para 517 of the Shastri Award empowered a workman to raise the dispute through the registered trade union, the bank management in question did not entertain that dispute on the ground that it was through a minority union even though a registered union. Therefore this act on the part of the bank management falls within the perview of the Clause 13 of the 5th Scheduled and amounts to an unfair labour practice.

Issue No. 3 is found accordingly.

For the said reasons issue No. 4 is found in the affirmative as regards the Shastri Award.

16. According to the Staff Union, the bank management should be directed to remove the last para of its circular dated

30th January, 1981 regarding the rights and privileges extended to the recognised unions only, from their circular. However as per Section 10(4) of the Industrial Disputes Act, "where the Central Government has specified the points of dispute for adjudication, the Industrial Tribunal shall confine its adjudication to those points and matters incidental thereto". Therefore it will be proper to give only direction to the bank management to mention in their circular that the registered trade union, including the Syndicate Bank Staff Association, shall be competent to raise the individual industrial disputes of the bank employees before any bank authority.

Issue No. 5 is found accordingly.

In the result for the different reasons and circumstances discussed as above the action of the management of the Syndicate Bank in not entertaining individual grievances of the workman represented through the Syndicate Bank Staff Association on the ground of having being taken by a minority union, is not just and proper.

Therefore Issue No. 6 is found in the negative.

Therefore the Syndicate Bank Staff Association is entitled to the relief that, that association is and will be competent to raise the individual grievances of the workmen of the bank employees before any bank authority.

17. The following Award is therefore passed :

AWARD

The action of the bank management of Syndicate Bank in not entertaining individual grievances of the workmen represented through Syndicate Bank Staff Association on the ground of having been taken by a minority Union, is not just and proper.

The Bank Management is hereby directed to entertain the grievances of the individual workman raised through the Syndicate Bank Staff Association, and also to mention in the circular of the Bank Management that any authority of the Bank Management will entertain the grievances raised through the Syndicate Bank Staff Association, which is a registered trade union, before any authority of the Bank.

The parties to bear their own costs of this Reference.

P. D. APSHANKAR, Presiding Officer

नई दिल्ली, 13 नवम्बर, 1992

का. प्रा. 3018.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, बैंक आफ बरौदा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-11-92 को प्राप्त हुआ था।

[संख्या एल-12012/718/88-डी 2(ए)]

बो.वे. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 13th November, 1992

S.O. 3018.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 12-11-1992.

[No. L-12012/718/85-D.II (A)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE SRI ARIAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 142 of 1989

In the matter of dispute :

BETWEEN

The General Secretary,
U.P. Bank of Baroda Employees Union,
C/o Bank of Baroda Dwa Market,
90/165 Iftikharabad Chamra Mandi,
Kanpur-208001.

AND

Regional Manager,
Bank of Baroda,
Gumti No. 5, Kanpur.

AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-12012/718/88-D.II (A) dated 30-5-89, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Bank of Baroda in not allowing seniority to Sri A. K. Singh as Head Cashier 'C' w.e.f. 23-3-85 is justified? If not, to what relief is the workman entitled?

2. The industrial dispute on behalf of the workman has been raised by U.P. Bank of Baroda Employees Union Kanpur through its General Secretary.

3. The case of the Union in short is that in the city of Kanpur a vacancy of Head Cashier occurred on 25-3-85, on the workman was serving as a permanent Assistant Head Cashier in Fazalganj Branch. As per bank's policy as and when a vacancy of Head Cashier in the city having more than one branches of the bank occurs the vacancy will be filled up by assigning the duties of the head cashier to a person who is the senior most in the said city having cash designation. The seniority is taken amongst all the candidates having designation of cash clerks on the date of vacancy. According to the Union on 25-3-85, the workman was the senior most amongst all the eligible, candidates. These facts have not been disputed by the management in their written statement. The Union further alleges that the management, ignoring the seniority of the worker without assigning any reason, identified a junior person as Head Cashier. Thereafter, the workman on 12-4-85 was put under suspension and a departmental inquiry was initiated against him by the management. However, he was exonerated of the charges levelled against him in the domestic inquiry. According to the bipartite settlement where during the departmental inquiry an employee is not found guilty of any misconduct he would be deemed to have been on duty and would be entitled to full wages and allowances for the period of suspension. According to the Union the refusal of the right of the workman is a denial of right of equality and it is fit by Article 16 of the Constitution of India. The Union has, therefore, prayed that the workman be assigned the duties of head cashier w.e.f. 25-3-85 and he be paid head cashier allowance w.e.f. the said date.

4. In defence the management plead that the workman was not eligible for filling up the vacancy of Head Cashier inasmuch as he was under suspension in connection with M.S.A. cases for his alleged acceptance of illegal gratification. The management while proceeding against the workman departmentally was not prejudiced at all against the workman. In fact the decision to suspend him was taken much prior back to the actual date of suspension. The delay in service of suspension order took place because of hindrances put by him. During the period of his suspension identification exercise for head Cashier Category 'C' had been in progress. Through the person identified for the post of H.C. Category 'C' was junior to the workman, the candidature of the workman was not considered because of the serious allegation against him. Therefore, a workman can only be the claimant for the special allowance (Higher than one which he has already been drawing) in terms of eligibility and seniority criteria for future vacancies/assignments attracting special allowances after the final orders of the disciplinary authority passed in the domestic inquiry held against him. In the circumstances, the Union has no case at all for the workman.

5. In its rejoinder the Union alleges that the charge of acceptance of illegal gratification by the workman was baseless and wrong. In fact the action of the management was

malafide. Hence the act of the management in not considering the workman for the post of Head Cashier Category (C) was bad in law and the workman is entitled for special allowance in terms of his eligibility and seniority criteria for the post of head cashier category (c) from the date from which the employee junior to him was identified for the said for.

6. In support of their respective cases both sides have adduced oral and documentary evidence. Whereas, the Union has examined the workman, the management have examined Sri D. P. Dey Manager (P) R.M. Office Calcutta. From the pleadings of the parties it is evident that a vacancy of Head Cashier Category 'C' fell vacant on 25-3-85 in the city of Kanpur and that on the basis of eligibility criteria being the senior most in the city, the workman was entitled to his posting as Head Cashier Category 'C'.

7. In his cross examination the workman has admitted that after the revocation of suspension order on 14-1-87 he was posted as Head Cashier Category 'C' for the first time on 5-10-89 at Vishnupuri Branch in the city of Kanpur and he continued working as such till 1-4-91. When he came to be posted as Head Cashier Category E at Latouch Road Branch in the city of Kanpur. He has also admitted that after the inquiry his suspension was treated as one on duty.

8. For appreciating the point under consideration it will be useful to refer to some of the annexures filed by the management witness with his affidavit. Annexure II is the copy of suspension order dated 8-1-85 of the workman. But it came to be served only on 12-4-85. Annexure II shows that the suspension was to come into effect immediately i.e. from 8-1-85.

9. In para 5 of his affidavit the management witness has deposed that on account of unwarranted intervention of local leaders, the suspension order could not be served on the workman and the matter was reported to the Deputy General Manager by the Regional Manager. It could be served on the workman on 12-4-85 when he had joined at Fazalganj Branch. In this connection he has referred to certain documents copies of which have been filed by him as annexures to his affidavit.

10. Annexure III is the copy of private and confidential letter dated 8-1-85 from the Regional Manager to the Manager, M.S.A. CELL Nayaganj Branch, Kanpur. By means of this letter certain instructions were given by the Regional Manager, the Manager, for serving the order of suspension on S. Sri Radhey Shyam, A. K. Singh and Sri J. K. Tiwari. The management was advised that if they refused to receive the orders of suspension he should make a note of it duly witnessed by an accountant or by an officer and originals be then despatched to them at their last recorded residential addresses by registered post acknowledgement due and extra copy be got exhibited on the notice board. From the notings of the letter to which the management witness has also referred in his cross examination it appears that the order of suspension could not be served on the above named employees. The same day vide copy of letter annexure IV the Regional Manager Kanpur Region informed about it to the Dy. General Manager U.P. Zone Lucknow. It is specifically written in the letter that at MSA the Branch Manager, Sri M. L. Agrawal, received the three suspension orders from Mr. Dey (MW) but could not serve them nor he could despatch them by post as he was prevented to do so by the Union Leaders. He also wrote that at about 3 p.m. representatives of both the Unions numbering about 30 entered in his cabin (cabin of the Regional Manager) and demanded that suspension orders should not be served and that they would not allow their suspension at any cost. If the management acted otherwise the lives of the officers would be in danger. Annexure V is the copy of confidential letter dated 8-4-85 from the Regional Manager to the SSP Kanpur Nagar. By means of this letter the Regional Manager sought police help for service of suspension orders with the requests that the police personnel should be in plain clothes. Annexure VI is the copy of order dated 10-4-85 of the Sr. SSP Kanpur by means of which he directed C.O. III for providing police help. The copy of it was also endorsed by the SSP to the Regional Manager.

11. Thus from the above documentary evidence, it comes out that the order of suspension in respect of the workman was passed as back as on 8-1-85 i.e. much before the creation of the vacancy of Head Cashier Cat. (C) in the city of

Kanpur. It further becomes evident that because of the intervention of the Union leaders and the threats held out by them, suspension order could not be served on the workman before 12-4-85. No doubt it has been deposed by the management witness in his cross examination that these orders of suspension were served when no police was present but the circumstances of the case go to show that the workman agreed to receive the suspension order only after the police help was assured to the Regional Manager by the SSP Kanpur Nagar to prevent any trouble during of service of suspension order.

12. In para 6 of the rejoinder the Union has alleged that the workman was suspended malafide only with a view to forfeit his genuine claim for the post of Head Cashier Cat.(C) it, therefore, raises the question whether disciplinary proceedings were initiated against the workman malafide with the said end in view by the management. The burden of proof on this point squarely lies on the Union. There is no evidence worth reliance to prove mala fide on the part of the management nor there is any evidence worthy of credence on the point that the management initiated disciplinary proceedings against the workman without reasonable and probable cause.

13. On the other hand, the management witness has filed the copy of chargesheet Annexure VII and the copy of inquiry report of the P.O. dated 29-12-86. It is annexure VIII. From the two documents it is evident that the charges were of serious nature relating to acceptance of illegal gratification from three persons, who had taken loans from the bank. At the enquiry the management produced Sri A. K. Seem, the then manager MSA Kanpur branch and in his deposition he not only confirmed the signatures on the complaints of the three complainants but also deposed that the complainants had told him verbally the contents of their complaints. The management witness also produced Sri N. M. Sodhi who had assisted/accompanied Sri V. K. Gaekwad in the investigation of the complaints. Before the H. D. Sri Gandhi deposed that the complainants had stated about their having made complaints during investigation. If the charges did not prove, it was only due to the fact that the bank could not produce the complainants. From the inquiry report it appears that at the time of inquiry nothing was outstanding against any of the complainants in respect of the loans contracted by them. It means that after they had paid off the loans they have become disinterested in the inquiry. Further looking to the manner in which the service of suspension order was stalled by the Union Leaders, it is not surprising that the complainants might have been persuaded not to appear in the inquiry as witness against the workman or they might have been threatened with dire consequences in case they dared deposed against the workman in respect of charges levelled against him.

14. Hence I am not prepared to believe the case set up by the Union that the management actuated with malice or acted malafide while initiation disciplinary proceedings against the workman. I have direct referred to the circumstances under which the management was prevented from serving the order of suspension on the workman and other two members of the Award Staff. I have no reason to disbelieve the evidence lead by the management on this point. What I mean to say is that even on 8-1-85, the workman had come to know that suspension order against him had been passed by the Regional Manager.

15. There is no dispute about the fact that had disciplinary proceedings been not initiated against the workman, he would have been the senior most person eligible for posting as Head Cashier Category (C) in the city of Kanpur. But in view of the facts and circumstances referred to above he could not have been posted as such and the management were fully justified in offering the post of Head Cashier Category (C) to the person who was next to him in the seniority.

16. It has been argued that since the workman was exonerated of the charges levelled against him, he should be paid special allowance to of the Head Cashier Category C from the date on which the junior person was given that posting. In this connection reliance has been placed on para (9) of the settlement dated 3-10-78 between the management of the Bank and All India Bank of Baroda Employees Federation

and also on the ruling in the case of *Sirsikar Versus State of Mysore* LJ Vol. II 1969 page 331.

17. I have gone through the said para of the settlement and the ruling and find that they are not of much help to the Union. Para 9 of the settlement says that provisions of para 529 of Sastry Award will be applicable for application of special allowance and the management will have the right to supersede a senior employee in terms of that para. Para 529 occurs in Chapter XXVII which is on the subject of Rules Regarding Promotion. The Tribunal in the said para observed that promotion is certainly not a matter which could be made automatic and a great deal of discretion by its very nature must rest with the management in this connection. At another place in the said paragraph the Tribunal observed that in case of employees who are not found fit for promotion a decision should be borne out by service records of employees and that when a senior is superseded it should be for good and cogent reasons. In the instant case we have found that much before the occurrence of the vacancy of Head Cashier Category (C) the management had passed an order suspending the workman. It has further been found that the management's action in initiating disciplinary proceedings on the basis of written complaints of alleged acceptance of illegal gratification was not actuated with malice nor it was without any reasonable and probable cause. Thus the management were within their rights to give posting to the person who was next to the workman in the seniority.

18. Having not performed the duties of special nature attracting allowance of Head Cashier Category (C) during the period of disciplinary proceeding, the workman cannot be allowed special allowance of Head Cashier Category allowance of the said period. He would be entitled to such an allowance only after the revocation of the order of his suspension. Upon revocation of the order of his suspension he was simply entitled to his period of suspension being treated as on duty and also all his wages including increments which had become due during the said period and other resultant benefits. In his cross examination he has admitted that upon revocation of his suspension order the period of suspension was treated as one on duty.

19. I do not agree with the plea raised by the management in para 7 of the written statement at page 3 that the workman could be the claimant for special allowance (higher than the special allowance which he was already drawing) in terms of eligibility and seniority criteria for future vacancies/assignments.

20. We have seen above that after revocation of suspension order he was given posting as Head Cashier Category C for the first time on 5-10-89 at Vishnupuri Branch. Suspension order having been revoked on 14-1-87 he should have been given posting as Head Cashier Category C within a reasonable time i.e. latest by 1-2-87. If in the city of Kanpur there did not exist any post of Head Cashier Category C employee who was made to fill up the vacancy which had occurred on 25-3-85 and to which the workman was entitled had disciplinary proceedings been not initiated against him should have been posted back to his original post and in his place the workman should have been posted as of Head Cashier Category 'C'. I may make it clear that if he was exonerated of the charges levelled against him his seniority got restored.

21. No where it has been pleaded by the management in the W.S. that after the conclusion of the disciplinary proceeding the workman was superseded. His seniority remained as it was at the time of passing of suspension order and even at the time when vacancy of head cashier category C occurred in the city of Kanpur. The action of the management however in giving him delayed posting as Head Cashier Category C is not certainly as supported by the settlement and para 529 of Sastry Award. If for any reason his posting on Head Cashier Category (C) was to be postponed further, the management ought to have recorded reasons for it. The management cannot say that "would be given such a posting when a vacancy occurs in future. To this extent the action of the management is held as unjustified. The workman is held entitled to special allowance of Head Cashier Category (C) w.e.f. 1-2-87.

22. The reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 13 नवम्बर, 1992

का. भा. 3019—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिन्डिकेट बैंक के प्रबंधन के संबंध में निवृत्त निजीजों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलोर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-92 को प्राप्त हुआ था।

[संख्या एल-12011/79/89-डी-2 (ए)]

वा. के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 13th November, 1992

S.O. 3019.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Syndicate Bank and their workmen which was received by the Central Government on 9-11-92.

[No. L-12011/79/89-DII(A)]

V. K. VENUGOPALAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, BANGALORE
Dated this 30th October, 1992

PRESENT

M. B. Vishwanath,

B.Sc., B.L.,

Presiding Officer

CENTRAL REFERENCE NO. 40/90

I party

The President,
All India Syndicate Bank v/s.
Employees Congress,
TC No. 13/1722,
Trivendrum-695001

II party

The Chairman and
Managing Director,
Syndicate Bank
Head Office,
Manipal-576119

AWARD

In this reference made by the Hon'ble Central Government Under Sec. 10(1)(d) of Industrial Disputes Act, 1947 (14 of 1947) by its order No. L. 12011/79/89-D II.A. 1990 Dated 31-5-1990 the point for adjudication as per schedule is:

"Whether the policy adopted by the management of Syndicate Bank to promote all employees in the Clerical cadre who had passed three written test earlier or who have passed two written tests earlier and who passed the written test proposed to be conducted to Junior Management Cadre Scale-I in Officers Cadre is fair and justified? If so, what should be the date from which the said policy should be adopted?"

2 In the claim statement the I party has contended:—

The Management accounted a new promotion policy and selection process vide circular No. 349/88/BO/ED/78/IMD Dt. 13-12-1988 and reproduced in circular No. 138/89/HG/HW/DD/14/MPMLPS Dt. 4-5-1989 changing the earlier promotion

policy and method top to bottom. Management announced 245 vacancies in the officer cadre to be promoted from among the 30,000 odd clerical staff by open competition. It is contended in the claim statement that the management has adopted the new policy for promotion to illegally favour some influential employees and to prevent some candidates in other banks from promotion.

3. In the counter statement the II party has denied the allegations made in the claim statement. The II party has stated that the new promotion policy is fair and just and it is done with a view to prevent stagnation and increase the prospects of promotion.

4. Subsequent to the filing of the claim statement, nobody was present on behalf of the I party. The I party has made number of correspondence with the Minister to get this matter transferred or to see that this Tribunal had its sitting in Kerala state. Since no communication was received from the Hon'ble Ministry of Labour and since nobody on behalf of the I party came and made any submission, this Tribunal has recorded the evidence of the II party on 9-10-92. On 27-10-92, when this case was posted, the case of the I party has been taken closed since there was nobody to represent the I party. On 30-10-92 the arguments on behalf of the II party were heard. Arguments on behalf of the I party were taken as heard. The case was posted for award.

5. On 1-7-91 it has been stated in the order sheet that point for determination is covered by schedule to reference and no separate issue was required.

6. On behalf of the II party M.W.1 G. Shankaranarayana, Asst. Personnel Manager has been examined. As has already been stated the case of the I party has been taken closed. M.W.1 has stated in his evidence that the earliest promotion policy was introduced in 1973. Ex. M.1 is that promotion policy. He has stated that during 1986 the promotional policy was modified as per Ex. M.2. Based on Ex. M.2 the promotional policy was processed in 1987 as per Ex. M.3.

M.W.1 has stated in his evidence that the policy as per Ex. M.2 and 3 was modified in 1988 as per Ex. M.4 (it is this policy which has been challenged by the I party). As per modification made in Ex. M.4, there are four categories of clerical employees. Category A are those employees who have put in more than 20 years of service. Category-B are those employees who have put in more than 10 years. Category-C and D 3 years and more. In his policy a provision made to promote those clerical employees who have passed two written tests earlier and those passed the third test also and such promotions will be in addition to declared vacancies. By this policy the employees are benefited overall.

8. M.W.1 has stated in his evidence that the promotional policy framed in 1988 as per Ex. M.4 was first applied in 1989 as per Ex. M.5. As per Ex. M.5 declared vacancies were 245. Apart from promotions to declared vacancies, 223 more promotions were made under special category because they had passed the particular test and two earlier tests.

9. M.W.1 has stated in his evidence that before declaring the results of the 1989 test a small modification was made as per Ex. M.6. This modification was that clerical employees who were successful in three earlier written tests were considered for promotion. This promotion policy is applicable to all the clerical employees. The basic structure of promotion policy of 1973 is in tact. Due to changing circumstances like increase in business in the bank declining promotional opportunities, accumulation of frustration among the clerical staff certain modifications in the promotional policy were made with the basic structure in tact.

10. I have extricated above the evidence of M.W.1. It is clear from the evidence of M.W.1 that there were 245 declared vacancies and the present policy of promotion helps 223 persons more in getting promotions. Such a policy, by no stretch of language could it be said, is unfair.

11. It is in the evidence of M.W.1 that Syndicate Bank Employees Union commands majority of about 73 per cent of the employees out of 39,000 employees of the II party. M.W.1 has stated that the present I party union has only 12 members. He has stated that except the I party union, other

Unions have not raised any objection to the promotional policy of II party. It is in the evidence of M.W.1 that subsequently one of the I party members (K. Rajendran) has been promoted due to the present promotional policy. It is stated in the claim statement that the II party has given effect to the new promotional policy only with a view to illegally favour some influential employees. This is stated in para 23 of the claim statement. But the details as to who are those influential employees have not been given. It is stated that the present promotional policy is detrimental to the interest of the employees of the Bank in general. It is not stated how the present promotion policy is detrimental to the employees. On the contrary the evidence of M.W.1 clearly shows that it is highly beneficial to the employees. It is stated in the claim statement that the intention of the II party is to see that some candidates in the Bank stand disqualified for promotion permanently. Here again the details are not given. On the contrary, the evidence of M.W.1 clearly proves that the intention of the new promotional policy is to prevent stagnation of some candidates.

12. For the aforesaid reasons I am of opinion that the policy adopted by the II party to promote all employees in the clerical cadre who had passed three written tests earlier or who have passed two written tests earlier and who passed written test promoted to be conducted to Junior management Cadre Scale-I in Officers Cadre is fair and justified. The II party has given effect to the promotional policy framed in 1988 as per Ex. M.4 in 1989 as per Ex. M.5. They have given effect to the new policy of promotion from 1989, rightly.

ORDER

Award passed rejecting the reference. Submit to Government.

(Dictated to Stenographer, typed by him, corrected and signed by me on this 30th Oct., 1992).

M. B. VISHWANATH, Presiding Officer
CGIT-LC, Bangalore.

नई दिल्ली, 13 नवम्बर, 1992

का. अ. 3020.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रत्नगिरि सिन्धुदुर्ग ग्रामीण बैंक के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पणजी गोआ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-11-91 को प्राप्त हुआ था।

एस. के. जैन, डेस्क अधिकारी

[पंक्ता एन-12011/13/91/आई आर (बी-III)]

New Delhi, the 13th November, 1992

S.O. 3020.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Panaji (Goa) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ratnagiri-Sindhudurg Gramin Bank and their workmen which was received by the Central Government on the 12th November, 1992.

[L-12011/13/91-IR(B-III)]

S. K. JAIN, Desk Officer

ANNEXURE IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF GOA AT PANAJI

(Before Shri M. A. Dhavale, Hon'ble Presiding Officer)
Reference No. IT/38/91

Workmen Party I—Workmen.
V/s.

M/s. Ratnagiri Sindhudurg Gramin Bank. Party II—Employer.
Workmen represented by Shri Subhas Naik.
Employer represented by Adv. A. Sawale.

Panaji, the 15th October, 1992

AWARD

In exercise of the powers conferred by sub-clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, the Central Government by its Order dated 28-6-1991 had referred the following issue for adjudication by the Central Government Industrial Tribunal No. 1, Bombay.

SCHEDULE

"Whether the management of Ratnagiri Sindhudurg Gramin Bank is justified in inserting words 'uninterrupted and satisfactory service' alongwith minimum length of service for promotion to posts governed by Regional Rural Banks (Appointment and Promotion of Officers and other Employees) Rules 1988 notified by the Ministry of Finance? If not, to what relief the workmen are entitled to?"

2. However, thereafter by the order of the Central Govt., dated 30th September, 1991 the said Government, in exercise of the powers conferred by Section 7-A read with Sub-section (1) of Section 33-B of the Industrial Disputes Act withdrew the said proceedings with relation to the said dispute pending before the Central Government Industrial Tribunal No. 1, Bombay and transferred the same to this Tribunal at Goa.

3. On receipt of this reference a case at No. IT/38/91 was registered and notices were sent to both the parties in response to which, they appeared and submitted their pleadings.

4. Party I—Workmen represented by Ratnagiri Sindhudurg Gramin Bank Staff Union (hereinafter referred to as 'Workmen') have filed the statement of claim (Exh. 4) wherein it has been averred thus.

Party II—Ratnagiri Sindhudurg Gramin Bank is a Regional Rural Bank styled as Ratnagiri Sindhudurg Gramin Bank (hereinafter called as the 'Bank'), established under the provisions of Regional Rural Banks Act, 1976, having its registered office at Ratnagiri. The services of the members of the staff of the said Bank are governed by the provisions of Regional Rural Banks Act, 1976 and also by Ratnagiri Sindhudurg Gramin Bank Staff Service Regulations, 1984. The said service conditions are mandatory for the Bank to implement and follow. Section 30 of Regional Rural Banks Act, 1976 enables the Central Government to make regulations, not inconsistent with the provisions of this Act and Rules made there under, to provide for all matters for which provision is necessary for the purpose of giving effect to the provisions of this Act." Accordingly, the said Bank with the previous sanction of the concerned authority, enforced Staff Service Regulations, 1984. In para 17 of the said Regulation, it has been provided that all appointments and promotions shall be made at the discretion of the Bank and no Officer or employee shall have a right to be appointed or promoted to any particular post or grade. After obtaining the guidance from the Head Office of Bank of India by its letter dated 4th June, 1988, the Board of Directors of the Bank in their Board Meeting held on 21st June, 1988 principally approved the Promotion Policy. The said Promotion Policy was circulated by the Bank vide its Branch Circular No. 6/67 Personnel 88/10 dated 26th July, 1988. Upon issuance of the above referred circular no promotions were effected. The said rules known as Regional Rural Banks (Appointment and Promotion of Officers and other Employees) Rules, 1988 were duly published by the Government of India. The Workmen, in para 11 of Exh. 1, has reproduced paras

4(b) to 7(b) of the said Rules. This new Revised Promotion Policy was circulated by the Bank vide Circular No. 8/61: Personnel: 90-91/9 dated 24th October, 1990. However, it has been averred that in the new Revised Promotion Policy the Bank made certain differences by adding certain words namely "Uninterrupted and Satisfactory" of incumbent who would be considered for promotion. According to the members of the Union, the aforesaid words are not in consonance of the Rules and the directions given by the Central Government and hence it has been contended that the Bank has erred in implementing the said Rules by adding the words referred to above. Thus, the said words namely "Uninterrupted and Satisfactory Service" are null and void and hence it has been prayed that this Tribunal should be pleased to direct the Bank to adopt the Promotion Policy strictly as per the directions of the Government of India, Ministry of Finance under its Notification dated 28th September, 1988.

5. Party II—Bank by its Written Statement at Exh. 5 resisted the Union's claim contending inter alia as follows:

It is true that the Bank has circulated a Branch Circular No. 8/61 dated 24-10-1990 captioned as "New Revised Promotion Policy" to all the Managers of the Bank's Branches. The said Circular was issued after taking into consideration the revised promotion policy dated 28-9-1988 received from Central Government and the guidelines dated 4-6-1988 received from Sponsor Bank i.e. Bank of India, Bombay (Head Office). The said Revised Promotion Policy was considered and approved in the Board Meetings of 19-6-1990 and 19-9-1990. While issuing the above said Circular the Bank had taken into account the guidelines for promotion policy issued by the Central Government as 'Model Policy' and the New Revised Promotion Policy circulated by the Bank on 24-10-1990 is strictly in accordance with the Promotion Policy received from the Central Government. The words, "Uninterrupted and Satisfactory Service", were added to bring more clarity on points such as length of service, weightage/marks given for seniority, confidential reports, interviews etc., as per the Bank's policy and within the framework of Promotion Policy dated 28-9-1988 received from the Central Government. It has been stated that the said words were inserted as similar words were used in the guidelines dated 4-6-1988 received from the sponsor Bank i.e. 'Bank of India' Head Office, Bombay and NABARD. While adding these words, the Bank believed that the same were added for the sake of clarity and that the said words have not effected any material change. Thus, it has been contended that the Bank can certainly add some words for the sake of clarify and without causing any hardship to the incumbents due for promotion. No prejudice has been caused to any of the employees, by the addition of the aforesaid words. Thus, it has been contended that the Union has raised this dispute merely for technical reason devoid of any merit. It has been contended that the Bank has not effected any promotions on the basis of its Promotion Policy dated 24-10-1990 in respect of which the present dispute has been raised. Thus, in fact there was no cause of action for the Union to raise any such dispute. Without prejudice to the aforesaid contentions, it has been conceded that KRB Employees' Association were demanding parity from sponsor Banks in respect of salary and other benefits on the principle of "Equal Pay for Equal Work", and they had approached the Hon. Supreme Court of India in this respect. On the directions of the Apex Court, the Government of India by its Notification dated 26-11-1987 appointed, "National Industrial Tribunal", under the Chairmanship of Justice Shri Obul Reddi. The said Tribunal, after hearing the contentions of both the parties passed an award on 30th April, 1990. Under the said Award, it has been held inter alia that the Officers and other employees of RRBs would be entitled to the pay scales, allowances and other benefits, enjoyed by the respective State Government Employees of comparable level and status till 31st day of August, 1987. Thereafter, i.e. from 1st September, 1987, they would be entitled to the scales of pay, allowances and other benefits on par with the officers and other employees of comparable level in corresponding posts in the Sponsor Banks. The Bank has quoted the relevant clauses in the said award and has submitted that the Government of India has accepted the said recommendations of National Industrial Tribunal and the Award passed by it. The Equation Committee inter-alia, recommended that both the Field Supervi-

sors as well as Officers/Branch Managers are to be fitted in Scale-I pay structure of the Sponsor Banks and in view of these recommendations, the RRB (Appointment and Promotion of Officers and other employees), Rules 1988, in respect of which the Union has raised the dispute, are being reviewed and suitably amended by the Government of India by entrusting this issue to a small group constituted by representatives of NABARD, Government of India and RBI etc. In view of these developments, the question of providing promotion opportunities to the post of Senior Clerks and Field Supervisors will not be there in future since now all employees other than Officers to which the Union represent have been classified in one and the same category of Clerks. The Bank will not consider promotions of the existing Clerks to the post of Officers until and unless the revised promotion policy is formulated as spelt out in the report of the Equation Committee. Thus, it has been submitted that the promotion policy issued by the Central Government dated 28th September, 1988 is now outdated, infructuous and of no effect. Thus, the claim made by the Union for deleting certain words appearing in the Bank's Promotion Policy is not at all maintainable and deserves to be dismissed.

6. The Workman—Party I, then filed a Rejoinder (Exh. 6) wherein they controverted the Bank's contentions and adhered to its stand and claim made in Exh. 1.

7. On these pleadings I framed the following issues at Exh. 7:

ISSUES

1. Does Party I—Ratnagiri Sindhuburg Gramin Bank Staff Union prove that Party II—Ratnagiri Sindhuburg Gramin Bank erred in implementing the Rule notified by Government of India, Ministry of Finance, Department of Economic Affairs, (Banking Division) dated 28-9-1988?
2. If yes, does Party I prove that the action of the management in inserting the words—"Uninterrupted and satisfactory service" in the promotion policy is null and void?
3. Does Party II—Bank prove that addition of the words, "Uninterrupted and satisfactory service", do not cause any prejudice to any employees?
4. If yes, whether Party II is justified in inserting the words—"Uninterrupted and satisfactory service", along with minimum length of service for promotion to posts covered by Regional Rural Bank (Appointment and Promotion of Officers and Other Employees) Rules 1988 notified by the Ministry of Finance?
5. Whether Party I is entitled to any relief?
6. What award or order?
8. My findings on the above issues are as follows for the reasons stated below:
 1. to 4.—Do not survive for consideration.
 - 5.—Party I is not entitled to any relief.
 - 6.—As per final order below.

REASONS

9. The rival contentions of the parties to this dispute have been stated in-extenso in the opening paragraphs of this judgment, which need no further repetition. Now, in order to substantiate their rival claims, Party I has examined Mr. K. Y. Sheikh, who is serving as a Clerk-cum-Cashier with Party II, at Exh. 8. On behalf of Party II, Shri N. V. Sule who is serving as Manager (Planning) with Party II has been examined at Exh. 14. Both the parties have also produced the relevant documents.

10. Now, some of the facts which are either admitted or which can otherwise be taken as duly proved, need be stated in the beginning. Party II—M/s. Ratnagiri Sindhuburg Gramin Bank was established under the Regional Rural Bank's Act, 1976 and it started functioning since 19-11-83. This Bank has 39 branches. There are about 106 Rural Banks in India. However, there is no uniformity in the Circulars issued by the several Gramin Banks in respect of promotions. Every Bank is supposed to be a separate entity having its own

Rules or Circulars governing the appointments, promotions etc., of the members of the staff. Party I has produced a Circular showing the Promotion Policy laid down for the members of the staff which is at Exb. 9. Workmen has also produced one Circular issued by the Government of India giving guidelines for promotions which is at Exb. 10. Thereafter Party II—Bank issued the Circular in question showing the revised promotion policy which is at Exb. 11. Now, in this Circular Party II introduced two new words, viz. "Unsatisfactory and Satisfactory Service", which words, according to the workmen are not appearing in Exb. 10. For the sake of comparison the workmen has also produced two Circulars issued by Sholapur Gramin Bank giving the terms of promotion wherein the above referred two words do not appear. The said Circulars are at Exb. 12 (colly). He has also produced the several rules of the Bank at Exb. 13. After having produced the above referred documents, it has been deposed by Mr. Sheikh that the above referred words appearing in the Circular should be deleted, and hence this dispute. Now it is significant to note that although the Union was aggrieved by the aforesaid two words appearing in the Circular still no dispute was raised before the Employer Bank at any time. This has been deposed to by Mr. Sule in his evidence at Exb. 14. He has clearly stated, "The Union never approached the Bank complaining against the addition of the above referred words appearing for promotion". In the absence of any dispute raised before the employer, employees are not entitled to raise any dispute before the Tribunal. The position of law on this point is well-settled and a reference can usefully be made to some of the rulings on this point.

11. In the case of *Sindhu Re-Settlement Corporation Ltd., and Industrial Tribunal, Gujarat, and Others*: reported in 1069(1) 111 834 it has been observed by Their Lordships of the Supreme Court that the reference made by the Government was not competent, because a mere demand to a Government without a dispute being raised by the workmen with their employer cannot become an Industrial Dispute. In a ruling reported in AIR 1970 Delhi 60 (*Fedders Lloyd Corporation (Pvt.) Ltd. v/s. Lt. Governor, Delhi and Others*), it has been observed that the demand by workmen must be raised first on Management and rejected by them before an Industrial dispute can be said to arise and exist—Making of such demand to Conciliation Officer and its communication by him to the Management who rejected the same is not sufficient to constitute industrial dispute. In this case a reliance has been placed in the above referred judgment of the Supreme Court. Similar view has also been taken by Orissa High Court in the case of *Orissa Industries (P) Ltd., and Presiding Officer, Industrial Tribunal* reported in 1976 LAB I.C. 285 wherein it has been observed thus "Before an 'Industrial Dispute' can be said to exist between the employees and the management there must be a demand by the workmen before the management as required by Rule 3". Only if a dispute exists between employer and workmen a reference can be made by the State Government under Section 10(1) for adjudication by the Tribunal.

12. Thus, in the instant case, as stated by Mr. Sule, the Union never approached the Bank complaining against the addition of the above referred words, appearing in the Promotion Policy Circular. He has also stated that the Union did not pass any resolution enabling the leaders to sponsor this dispute. Thus on this ground alone, it will have to be concluded that no industrial dispute existed before the Government was pleased to make a reference. Thus, on this count also the reference is liable to be rejected. Apart from this technical defect on merits also; Party I has no case which I would presently point out.

13. Mr. Sheikh in his evidence at Exb. 8 has clearly admitted even in his examination in chief thus, "No members of the staff has been promoted at any time in the past and nobody has so far been affected by this circular". In his cross-examination he has admitted, "I am not affected by the Circular but I want to protect the interest of all the clerks. No body has been so far affected by this Circular". To the same effect there is the evidence of Mr. Sule. In his evidence at Exb. 14, he has stated thus: "We have not given any promotions in pursuance of the above referred circulars so far. We did not follow this procedure because

after passing of the award by the National Tribunal the employees of the Gramin Bank have been given the same benefits which are given to the Sponsor Banks". In his cross-examination he has further admitted thus:

"It is true that after passing of the NIT Award this new revised promotion policy has become invalid and is not applicable to the members of our staff."

14. Thus, regard being had to the above referred changed circumstances; brought above by the Award of NIT (vide Exb. 16), it is evident that the previous Circular issued by this Bank has become invalid; or so to say; inoperative, and the grievance which the Union was making has been redressed by the provisions made in the Award of NIT. Besides, as admitted by Mr. Sheikh, no member of the staff was affected by the introduction of the above referred two words in the Circular issued by the Bank. At the cost of repetition, I would say that Mr. Sheikh has clearly admitted that no member of the staff was promoted at any time in the past and nobody has been so far affected by the Circular. Thus, regard being had to the above referred admissions, it is abundantly clear that there was really no cause of action for the Union to raise a dispute for complaining against the aforesaid two words appearing in the Circular issued by the Bank. Besides, as I have stated earlier, all the benefits envisaged in the Award of NIT at Exb. 16, have been made available to the members of the staff of Party II-Bank, and as such the grievance made by the Union no more survives. This position has been clearly accepted by Shri Subhas Naik, representing the workmen-Party I.

15. In view of this state of affairs, it follows that the several issues framed by me; and reproduced above, do not survive for consideration, and no findings are required to be recorded on the first four issues. I have therefore answered the same accordingly. In view of this state of affairs, it follows that Party I is not entitled to any relief and this reference deserves to be dismissed; since the dispute between the parties did not survive after passing of NIT Award, I, therefore, pass the following order.

ORDER

It is hereby ordered that since the dispute between the parties did not survive; on account of the change of circumstances brought about by the Award of National Industrial Tribunal, (Exb. 16), the present reference stands dismissed with no order as to costs.

Copies of Award be sent to the Central Government.

M. A. DHAVALA, Presiding Officer

नई दिल्ली, 13 नवम्बर, 1992

का.प्रा. 3021.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम न्यायालय, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-11-92 को प्राप्त हुआ था।

[संख्या एस-12012/273/87-डी-II(ए)]

एस. के. जैन, ईस्क अधिकारी

New Delhi, the 13th November, 1992

S.O. 3021.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Kanpur as shown in the Annexure, in the industrial dispute between the employers

in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 12-11-1992.

[No. L-12012/273/87-D.II (A)]

S. K. JAIN, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-
COM-LABOUR COURT, PANDU NAGAR, KANPUR
Industrial Dispute No. 7/1988

In the matter of dispute :

BETWEEN

Shri Badri Narayan Tiwari C/o Sri G. K. Pandey, 121-
Aiopt Bagn, Allahabad,

AND

The Regional Manager, State Bank of India, Varanasi.
AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-12012/273/87-D.II (A) dated 29-1-1988, has referred the following dispute for adjudication :—

“Whether the action of the management of State Bank of India in relation to their Barhalganj Branch, Gorakhpur, in discharging from service Shri Badri Narayan Tiwari vide Order dated 27-4-84 is justified? If not, to what relief is the workman entitled?”

2. The admitted facts are that while the workman Sri Badri Narayan Tiwari was posted as a cashier at Barhalganj Branch, he was served with chargesheet dated 10-1-1983 containing the following 9 charges—

- On 8-7-1981 you threatened to launch non-cooperation movement and paralyse Bank's work due to non-payment of overtime wages to you, which action amounts to gross misconduct on your part.
- On 9-7-1981 you unauthorisedly prepared your overtime wages and asked the officiating Branch Manager to pass it for payment. On being advised that as per instructions of the permanent Branch Manager, the overtime wages is not to be paid, you started abusing the permanent Branch Manager and said that “I WILL TALK TO THE BRANCH MANAGER WITH MY SHOES LET HIM COME.” The above actions on your part, besides being the acts of indiscipline are also prejudicial to the Bank's interest.
- On 9-7-1981, after reporting at the Branch you were instructed to perform the duties of paying cashier alongwith Teller's duties. You were also advised that in case of any inconvenience on account of combined work only the payment of vouchers duly passed for payment by the officials be made by you, and the payments of vouchers directly received at the Teller Counter be suspended. Instead of complying with the aforesaid instructions, you refused to accept and pay the passed instruments, vouchers for cash payments sent to you through a messenger by the Branch Manager. On your such refusal, the Branch Manager himself approached you and instructed you to receive the vouchers and make payments thereof. Since you again failed to act according to his instructions, an office order to this effect was issued by him (Branch Manager) and sent to you through officiating Branch Head Cashier. You did not initial the office order, threw it on the Head Cashier and shouted “OFFICE ORDERS HAVE NO MEANING FOR ME. I WILL DO WHATEVER I WISH. YOU DO WHATEVER YOU LIKE.” Thereafter you also paralysed the Bank's work for an hour. Thus you disobeyed the lawful and reasonable orders of your superiors, created riotous and disorderly scene in the Banking Hall and paralysed the Bank's work.

- On the above date i.e. 9-7-1981 you left office at about 1.30 P.M. leaving Bank's work uncompleted and sat outside at a tea shop nearby the Branch. At about 2.00 P.M. the then Branch Manager sent a memorandum to which you refused to receive on the pretext of its being under closed cover. There-

after the same was opened and sent to you but you again refused to acknowledge. On your such refusal, the memorandum was sent to you by Registered A.D. post, this too you refused to receive. Your above acts besides being disobedience of lawful and reasonable orders of your superior are detrimental to the interest of the Bank.

- You were instructed vide office order dated 30-3-1981 to take down the balances of Saving Bank's Ledgers Nos. 12, 25, 39, 53, 67 and 73 but you did not take down the balances despite reminders dated 14-4-1981 and 16-4-1981. Thus you wilfully disobeyed to comply with the lawful and reasonable orders of your superior which act on your part is detrimental to the Bank's interest.
- Again on 29-7-1981, you were allotted monthly balancing of Saving Bank ledgers Nos. 7, 18, 31, 43, 55 and 67 vide office order of that date but you did not comply with the instructions by not taking down the balances upto 31-8-1981 when you were reminded, in writing, to take down the balances. Thereby you disobeyed the orders of your superior and acted in a manner prejudicial to the Bank's interest.
- While working on cash payment counter on the 4th May 1981 you retained with you a sum of Rs. 10 out of the total amount payable to Shri Upendra Nath and on his objecting it, you abused and threaten to assault him. Not on this occasion only, you have been resorting to this illegal act in the post as well. Your above acts besides being detrimental to the Bank's interest cast serious aspersions on your bonafides and integrity.
- You are in the habit of using abusive language and creating disorderly scene in the Banking Hall for which you were warned vide our memorandum No. BM/59 dated 9-7-1981. You wrote irrelevant/abusive language on DD Purchase slip, signed it as Branch Manager and mixed it up with the bunch of intimations. The slip was received by an employee of a reputed constituent of the bank who had taken a very serious view of it. Your above actions, besides being detrimental to the Bank's interest, cast serious aspersions on your bonafide.
- While in employment of the Bank you were also acting as Sales Manager of Vijai Emporium, Barhalganj, Gorakhpur, a firm dealing in sale of furniture on instalments/Hire purchases. Five receipts issued and signed by you in this regard have been found by the Bank; details of which are given hereunder :—

Sl. No.	Amount		Members
66	30/-	7-4-81	Shri B.D. D be
65	30/-	7-4-81	Shri R. T. Patilak
480	30/-	14-7-81	Shri J. P. S. kha
481	30/-	14-7-81	Shri J. an Prast
169	30/-	19-4-81	Shri J. a. a. LalMi hra

You were called upon to explain your conduct vide our Memorandum No. BM/26 dated the 4th June 1981; but you did not reply. Thus you engaged yourself in a business outside the scope of your duties and acted in contravention of the rules governing your services.

The chargesheet was replied by the workman by means of his reply dated 17-1-83, copy Ext. M-12, Dissatisfied with his reply, the Regional Manager, II, Varanasi, in his capacity as Disciplinary Authority ordered an inquiry into the charges and appointed Sri M. L. Srivastava, Branch Manager Barhalganj Branch and Sri S. N. Verma D.O. (S.I.B.) Regional Manager Office Varanasi as Presenting Officer and Enquiry Officer respectively vide his order dated 20-1-83. The E.O. held the inquiry into the charges and after the conclusion of the inquiry found all the charges except charge No. 4 as proved. The Regional Manager II accepted the findings and vide his order dated 12-12-83, copy Ext. M-5, proposed the punishment of dismissal from service and in this regard issued a show cause notice to the workman. Against the show cause notice the workman filed his written

submissions dated 31-1-1984, copy Ext. M-14 (1) and on receipt of copies of exhibits of the inquiry filed his written submission dated 19-3-84, copy Ext. M-14(2). Finding no force in the two representations of the workman Regional Manager-IV as disciplinary authority of the workman vide released order dated 23-7-84, copy Ext. M-6, confirmed the proposed punishment of dismissal from service of the workman. Against the said order of punishment the workman filed appeal dated 6-1-84, copy Ext. M-8, before the Chief Regional Manager Varanasi. In his appeal he described the Chief Regional Manager as his Appellate Authority. The Appellate Authority dismissed the appeal but intimated the order of dismissal from service into one of discharge under para 521(10)(c) of Sastry Award vide his order dated 10-7-86, copy Ext. M-9. It was also ordered by him that in lieu of notice the workman should be paid notice pay and retrenchment compensation.

3. The workman has assailed the order of his punishment on a number of grounds. He has alleged that the chargesheet was issued on flimsy grounds. It was motivated. It was issued at the behest of Sri K. M. Lal Ex-Branch Manager of Barhalganj Branch who was inimical to him. Further the chargesheet was not accompanied by a list of witnesses nor was it were enclosed copies of documents to be relied upon by the management at the inquiry. To this connection the workman has also alleged that the chargesheet was issued by the Branch Manager as he was not competent to issue it. The Branch Manager was not his disciplinary authority. Next he has alleged that the disputes persisting between him and the management were amicably settled on 23-7-81. So there arose no occasion for issue of chargesheet to him. He has also alleged that the inquiry was not conducted fairly and properly. Despite his being on medical leave on account of his illness from 8-4-83 to 3-7-83, the E.O. proceeded with the inquiry ex-parte against him. Even the findings given by the E.O. on the charges are not based on legal evidence. They are perverse. In the alternative he alleges that even if the charges are held as proved, they amount to minor misconduct. According to him the punishment awarded to him is highly disproportionate when looked into the nature of charges. In fact he has been made victim of his Trade Union Activities. He was the Secretary of the State Bank of India Staff Association of Barhalganj Branch. Lastly he alleged that the Branch Manager, the Regional Manager, and the Chief Regional Manager were not his appointing authority/appellate authority. He was appointed by the erstwhile Dy. Secretary and Treasurer (Now General Manager, State Bank of India).

4. He has, therefore, prayed for a declaration that the order of his punishment dated 27-4-84 be declared as illegal and unjustified. He has further prayed for his reinstatement with 27-4-84 with full back wages and all consequential benefits.

5. The case is contested by the management of State Bank of India. The management do not dispute the fact that at the relevant time the workman was the Secretary of the State Bank of India Staff Association Barhalganj Branch. The management admit that at the time of visit of the Regional Manager to Barhalganj Branch the workman tendered an apology in respect of his misconduct but this was not sufficient. The allegations of misconduct were so serious that they required a probe into them. The management further plead that the inquiry was conducted fairly and properly. The E.O. filed 22-2-83, as the date of holding enquiry. On the said date the inquiry was adjourned to 8-3-83 on the request of the workman. It was further adjourned to 17-3-83 because of the official engagement of the E.O. On 17-3-83, the workman participated in the inquiry but requested for adjournment. The E.O. acceded to his request and adjourned the inquiry to 8-4-83. On 8-4-83, the workman did not turn up. He rather submitted a medical certificate which did not show the period of rest required. On certain clarification sought by the E.O. the workman agreed to attend the proceedings but adjourned the inquiry to 15-4-83. On 15-4-83, the workman did not turn up whereupon the E.O. decided to proceed ex-parte. The enquiry proceedings continued on 16-4-83 and 18-4-83, 17-4-83 being Sunday and the adjourned to 18-5-83. The workman again did not turn up on 18-5-83 and sent a letter expressing his inability to attend

the proceedings. As the facts stated by the workman in his letter were not found convincing by the E.O., the E.O. proceeded with the inquiry and concluded it the same day. So it cannot be said that the inquiry was not conducted fairly and properly by the E.O. All other grounds on which inquiry has been assailed by the workman have been disputed by the management. It is also pleaded by the management that no valid industrial dispute exists between the parties. The order of discharge from service was passed by the Appellate Authority on the basis of proved charges. Towards the end it has been pleaded by the management that should the Tribunal hold that the inquiry was not conducted fairly and properly the management may be given an opportunity to lead evidence to prove the charges.

6. The workman filed the rejoinder, but in it no new fact was alleged by him.

7. On 27-8-90, the following preliminary issue was framed in this case—

Whether the inquiry was not conducted fairly & properly as alleged by the workman?

8. On the preliminary issue the workman examined himself and the management examined Sri. K. K. Ranjey Singh, an officer of the Bank posted at Region I, at Bank's Zonal Office at Gorakhpur. The management have also filed the photostatic copies of all the documents connected with the inquiry. Sri G. K. Ranjey, the authorised representative for the workman vide his endorsement on the list of documents has admitted the fact that all these documents are copies of documents connected with the inquiry.

9. I may state here that after the close of evidence a number of dates for hearing of arguments on the preliminary issue were fixed. Neither the workman nor his authorised representative Shri G. K. Ranjey appeared to argue the case on 31-3-92, 30-4-92, 18-4-92 and 20-5-92. The last date on which the authorised representative for the workman appeared was 11-3-92. Therefore, as said above neither the workman nor the authorised representative appeared in the case for reasons best known to them.

10. First of all we have to see whether the Regional Manager Varanasi and the Chief Regional Manager, Varanasi were the Disciplinary Authority and the Appellate Authority respectively of the workman at the relevant time or not. In this connection it is very relevant to refer to the written submission dt. 31-1-84, copy Ext. M-14 (1) and dt. 19-3-84 copy Ext. M-14(2) of the workman which he made against the notice issued to him by the Regional Manager Varanasi to show cause why the punishment of dismissal from service be not awarded to him. In his two submissions the workman nowhere challenged the fact that the Regional Manager-II was not his disciplinary authority.

11. Ext. M-8, is the copy of appeal dated 6-9-84, filed by the workman before the Chief Regional Manager Varanasi. Even in it was nowhere alleged by him that Regional Manager was not his disciplinary authority. As stated by me earlier while referring to the admitted facts, the workman himself described the Chief Regional Manager Varanasi as his appellate authority.

12. Thus the plea raised by the workman in this regard appears to be afterthought and merely ornamental. In this connection I would like to refer to Ext. 38 which is the copy of Staff Circular letter no. 8 of 1984 dated 1-7-84. The said circular seems to have been issued as a sequel to the creation of one more Region at Regional Manager's Office Varanasi w.e.f. 1-7-84. Because of the creation of one more Region the operation of the existing Region underwent a change. Therefore, by means of it in respect of the branch in question the Regional Manager, Region IV R. M. Office Varanasi was designated as the Disciplinary Authority of the Award Staff and the Chief Regional Manager, Varanasi as the Appellate Authority of the said staff. I may state that though the order dt. 12-12-83, was passed by the Regional Manager-II, the order of punishment dt. 23-7-84, was passed by the Regional Manager IV Varanasi as disciplinary authority. Hence, I find no force in this plea of the workman.

13. The second point raised by the workman is that the chargesheet was not issued by disciplinary authority; it was issued by the Branch Manager Barhalganj Branch. There

is no doubt about the fact that the chargesheet was issued by the Branch Manager who vide staff circular no. 138 of 1977, copy Ext. M-2, happened to be the Appointing authority of the award staff. In this connection it will be useful to refer to the letter dated 2-1-83 of the Regional Manager-II (Disciplinary Authority) copy Ext. M-2, to Sri S. M. Verma, Officer of the bank. From the tenor of the letter it appears that every thing in connection with the domestic inquiry was being done by the Regional Manager-II in his capacity as Disciplinary Authority. Therefore, it will be presumed that even the chargesheet was issued to the workman under the signatures of the Branch Manager, Barhagunj Branch under the instructions of the Regional Manager-II, Varanasi.

14. Another point that has been raised by the workman in his claim statement is that the chargesheet was given on flimsy grounds and that in view of the settlement dt. 23-7-81 no such charges could have been issued. No cogent and reliable evidence has been adduced by the workman to prove these two pleas. All that has been admitted by the management in para 22 of the written statement is that at the time of the visit to Barhagunj Branch by the Regional Manager, the workman offered regrets and apology for the lapses. The management have further pleaded in that very para of the written statement that since the allegations of misconduct were serious they required probe.

15. Thirdly, the order of punishment has been assailed on the grounds that the copies of documents and list of witnesses were not supplied to the workman alongwith the chargesheet. It is common knowledge that the practice prevalent in the banking industry is to furnish the copies of documents to be relied upon by the management in support of the charges and names of the witnesses on whose evidence the management is to rely on the first date of hearing when generally both sides are represented and then to fix another date for leading evidence.

16. From the proceedings of inquiry it appears that the workman appeared without his defence representative in the inquiry on 22-2-83 and 17-3-83. On both the dates the inquiry was adjourned at his instance. On 17-3-83, 8-4-87 was fixed as the date for hearing in the case but on the said date and thereafter he did not appear at all. So there was no occasion for the presiding officer to furnish to the workman the copies of documents relied upon by the management in support of the charges. Exts. M-3, M-4 and M-5 are copies of proceedings dt. 22-2-83, 17-3-83 and 8-4-83 respectively.

17. Ext. M-5 is the copy of order dt. 12-12-83, of the disciplinary authority by means of which the disciplinary authority ordered issued of notice to the workman to show cause why the punishment of dismissal from service be not awarded to him. Ext. M-14 (2) is the copy of written submission dt. 14-3-84 of the workman against the show cause notice. In his written submission he admitted the receipt of copies of documents. I may state here that in his first written submission dt. 31-1-84, copy Ext. M-14 (1) it was admitted by the workman that with the show cause notice he had received the copy of findings of the inquiry. So in this plea of the workman I do not find much force.

18. Lastly it has been urged in the claim statement that despite his illness the E.O. proceeded ex-parte against him in the inquiry. In this connection I would like to refer to the following observations appearing in the order dt. 10-7-86 copy Ext. M-9, of the appellate authority by means of which the appellate authority dismissed the appeal of the workman.

After examining the matter, the inquiry was adjourned for the 15th April, 1983 and a letter advising the date of enquiry was delivered to Sri Tewari against with acknowledgement at 8.45 P.M. on 8-4-83. On 15-4-83, neither Sri Tewari nor his defence counsel attended the inquiry. Further, no request for adjournment was received by the Enquiry Officer and hence the enquiry was held ex-parte. It continued upto 18th April, 1983 and adjourned for the 18th May 1983. On 19-5-83 when the enquiry was about to be resumed a registered letter addressed to the Enquiry Officer was delivered to him, wherein it was stated that he was unable to attend the enquiry due to his illness. As his application was

not supported by any medical certificates and no specific date for leave was requested for, the enquiry was held ex-parte. In the light of the above it is observed that he was given ample opportunity to defend his case which he did not avail of and the Enquiry Officer was therefore justified in holding the inquiry ex-parte.

19. The following observations were also made by the Disciplinary Authority in his order dated 23-7-84 :-

The enquiry was adjourned on 22-2-1983 and 17-3-1983 at the request of the charged employee for the reason of non-availability of defence counsel. On the 8th April, 1983, neither the charged employee nor his Defence Counsel attended the enquiry and, therefore, it was decided by the Enquiry Officer to proceed ex-parte. As soon as presentation of Bank, case started, the Enquiry Officer was handed over an application by one Sri Indu Ram Tewari inter alia stating that he was suffering from pain in the stomach from last night and was unable to attend the enquiry, and requested for fixing enquiry date atleast after 15 days. The application was supported by a medical certificate issued by Dr. Bhuphan Shahi. But the medical certificate did not contain any specific date upto which the rest was advised and therefore a clarification was sought for, on that date, from Shri Tewari. In reply to the letter of the Enquiry Officer, he advised that rest was not required but as per doctor's advice he was required to take rest. Against this, the Enquiry Officer again wrote a letter to him stating therein that as he did not require rest, he should attend the enquiry. In reply to the letter of the Enquiry Officer, Shri Tewari advised the Enquiry Officer that if he (Enquiry Officer) was not in a position to defer the enquiry, he (Shri Tewari) would attend the enquiry although he was feeling pain. Considering the request of the charged employee, the enquiry was adjourned for 15th April, 1983 and a letter to this effect was delivered to Shri Tewari against his acknowledgement at 8.45 P.M. on 8-4-1983.

The same very facts were also stated by the Appellate Authority in his order dt. 10-7-86. The above two quoted observations from the orders of the Appellate Authority and the Disciplinary Authority find corroboration from the correspondence between the workman and the Enquiry Officer vide copies Ext. M-16, M-18 to M-24 and M-26.

20. In the claim statement it has been alleged by the workman that he was on medical leave from 8-4-83 to 3-7-83. This fact that he was on medical leave during the said period has been admitted by the management witness in his affidavit dated 8-3-89 filed by way of reply to the interrogatories dated 15-11-88 filed by the workman. In para (2) of the affidavit it is stated by the management witness that the workman was granted sick leave on full pay for 5 months and 24 days—counted double—for the period from 8-4-83 to 3-7-83. It is to be understood that the grant of leave is an administrative action whereas in the domestic inquiry the E.O. acts as a quasi-judicial authority. The question is as to what was the material before the E.O. on the basis of which he should have proceeded with the inquiry. From the above quoted observations of the appellate authority which find correspondence from the various documents containing correspondence it is a boundantly clear that the E.O. was justified in proceeding ex-parte against him.

21. As regards the findings given by the E.O. and accepted by the Disciplinary Authority and confirmed in appeal by the Appellate Authority, the workman has raised the plea that the findings are perverse, they are not based on legal evidence. I have gone through the evidence recorded during the inquiry, the documents filed by the management in support of the charges and find that the findings are fully supported by the evidence on record. So even in this plea of the workman, I find no force.

22. Hence, it is held that the inquiry was conducted fairly and properly in accordance with the principles of natural justice by the management. The preliminary issue is decided accordingly.

23. I have heard the workman Sri Badri Narain on the point of quantum of punishment. During the course of

his arguments he has submitted that the punishment awarded to him is highly excessive when looked in the light of charges proved against him. According to him all the charges which have been proved against him constitute minor misconduct within the meaning of para 19.7 of the first bipartite settlement. He has also appealed to the Tribunal to take a lenient in the matter of punishment against him as he has a large family to support. He says that he was the Secretary of the State Bank of India Staff Association Barhalganj Branch and that the Disciplinary proceedings against him were the result of enmity relations between him and the then branch manager.

24. On the other hand, it has been contended by Sri Mahesh Chandra, the authorised representative for the management, that it is wrong to say that the charges proved against the workman constitute minor misconduct under para 19.7 of the first bipartite settlement. These charges constitute gross misconduct under para 19.5 of the bipartite settlement. Further in the matter of punishment the Tribunal has to see the cumulative effect of various charges proved against the workman. In fact the management have already taken a lenient view in the matter of award of punishment. Although the Disciplinary Authority awarded the punishment of dismissal from the service, the Appellate Authority on compassionate grounds converted it into one of discharge under para 52(10)(c) of the Sastry Award Sri Mahesh Chandra does not dispute the fact that the workman was the Secretary of State Bank of India Staff Association Barhalganj Branch and he further does not dispute the fact that the relations between the workman and the then branch manager were far from normal, but these facts have nothing to do in the matter of award of punishment when charges have been proved on evidence against the workman. Moreover, the order of discharge does not cast any stigma on the workman. He can seek employment any where else also. As far as these fact that he has a large family to support, firstly there is no evidence before the court and secondly, it does not justify award of less or punishment to the workman on the proved charges. If he has a large family to support, he should have better thought of it while committing various acts of misconduct. For the sufferings, if any, of his family it is he who is responsible and not the management nor the Association.

25. After hearing the two sides and considering the nature of charges proved and the circumstances, I am of the view, that the punishment awarded to the workman, does not call for any interference at the hands of this Tribunal u/s 11-A of the I. D. Act.

26. As we have been above, the disciplinary authority vide his order dt. 23-7-84, awarded to the workman the punishment of dismissal from service. However, on appeal the appellate authority converted the punishment into one of discharge from service. There were 9 charges against him and all the charges except charge no. 4 were proved against him. About charge no. 8, it may be said that it constitutes minor misconduct but other proved charges constitute gross misconduct under classes (i) (c) & (j) of para 19.5 of the Bipartite Settlement. It is, therefore, not correct to say, as has been sought to be shown by the workman, that these charges also constitute minor misconduct under para 19.7 of the Bipartite Settlement. It has been rightly argued by Sri Mahesh Chandra that the question of punishment should be considered by taking into account the cumulative effect of the proved charges. It has also been rightly submitted by Sri Mahesh Chandra that for the sufferings, if any, of his family the workman himself is responsible. He should not have indulged in acts of misconduct when he had a large family to support. The fact that he happened to be the Secretary of the State Bank of India Staff Association did not give him a licence to commit acts of misconduct. Hence, I see no grounds for interference with the punishment awarded to the workman. It has been rightly contended by Sri Mahesh Chandra that the punishment of discharge from service does not cast a stigma on the workman.

27. Hence, it is held that the action of the management of State Bank of India in discharging from service, Sri Badri Narain Tiwari, is justified. Consequently, the workman is entitled to no relief.

ARJAN DEV, Presiding Officer

नई दिल्ली, 13 नवम्बर, 1992

का. या. 3022 :—प्र. मैसर्स ऐलस कम्पनी लिमिटेड (ऐलस इंजिनियर वर्क) भादवेश्वर हुगली (इसके आगे जहाँ भी उक्त स्थापना शब्द का प्रयोग हो इससे अभिप्राय उक्त स्थापना से है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (इसके आगे उक्त अधिनियम के नाम से निविष्ट) को धारा 17 की उपधारा (1) के खंड (क) के अंतर्गत छूट प्राप्त करने के लिए आवेदन किया है।

यह केन्द्र सरकार की राय में उक्त स्थापना के कर्मचारियों के लिए तैयार किए गए भविष्य निधि नियमों में अंशदान की दर उक्त अधिनियम की धारा 6 में उल्लिखित कर्मचारी अंशदान की दर से कम नहीं है तथा इसके कर्मचारियों को मिलने वाले भविष्य निधि लाभ उक्त अधिनियम तथा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके आगे जहाँ कहीं भी स्कीम शब्द का प्रयोग किया गया है उससे अभिप्राय उक्त स्कीम से है) में उल्लिखित लाभों में किसी भी प्रकार से कम नहीं है जो इस वर्ग की स्थापना में कार्यरत कर्मचारियों को उपलब्ध हैं।

अब इसलिए उक्त अधिनियम की धारा 17 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और संलग्न अनुसूची में वर्णित शर्तों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त स्कीम के सभी उपबन्धों के लागू होने से छूट प्रदान करती है।

अनुसूची

1. उक्त स्थापना से संबंधित नियोजना केन्द्र सरकार के द्वारा समय-समय पर दिए गए निदेश के अनुसार उक्त अधिनियम की धारा 17 की उपधारा (3) के खंड (क) में उल्लिखित निरीक्षण के लिए सुविधाएं प्रदान करेगा और ऐसे निरीक्षण प्रभार की अदायगी प्रत्येक माह की समाप्ति के 15 दिन के अन्दर करेगा।

2. न-छूट प्राप्त स्थापनाओं के संबंध में उक्त अधिनियम और उनके अधीन सृजित उक्त स्कीम के अंतर्गत देय अंशदान की दर से स्थापना के भविष्य निधि नियमों के अंतर्गत देय अंशदान की दर किसी समय भी कम न होगी।

3. पेशगियों के मामले में छूट प्राप्त स्थापना की स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 से कम हितकर नहीं होगी।

4. उक्त स्कीम में कोई भी संशोधन जो स्थापना के वर्तमान नियमों से अधिक लाभकारी है उन पर अपने आप लागू किया जाएगा। उक्त स्थापना के भविष्य निधि नियमों में कोई भी संशोधन, क्षेत्रीय भविष्य निधि आयुक्त की पूर्व अनुमति के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से उक्त स्थापना के कर्मचारियों के हित के प्रतिकूल प्रभावी होने की सम्भावना है वहाँ अपनी अनुमति देने से पूर्व, क्षेत्रीय

भविष्य निधि आयुक्त, कर्मचारियों को अपने विचार प्रस्तुत करने का उचित अवसर देगा।

5. यदि स्थापना को छूट न दी जाती तो वे सभी कर्मचारी (जैसे उक्त अधिनियम की धारा 2 (च) में निश्चित किया गया है) जो सदस्य बनने के पात्र होते, सदस्य बनाए जाएंगे।

6. जहां एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छूट-प्राप्त स्थापना का पहले में सदस्य है, को अपनी स्थापना में काम पर लगाया जाता है तो नियोक्ता उसे निधि का तुरन्त सदस्य बनाएगा और ऐसे कर्मचारी के पिछले नियोक्ता के पास भविष्य निधि लेखों में संचयों को अंतरित कराने और उसके लेखों में जमा कराने की व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि आयुक्त के द्वारा अथवा केन्द्रीय सरकार के द्वारा जैसे भी मामला हो, समय-समय पर किए गए निदेशों के अनुसार भविष्य निधि के प्रबन्ध के लिए नियोक्ता न्यासी बोर्ड की स्थापना करेगा।

8. भविष्य निधि, न्यासी बोर्ड में निहित होगी जो अन्य बातों के होते हुए भविष्य निधि में आय के उचित लेखों और भविष्य निधि से अदायगियों और उनकी अभिरक्षा में शेषों के लिए कर्मचारी भविष्य निधि संगठन के उत्तरदायी होगा।

9. न्यासी बोर्ड कम से कम 3 माह में एक बार बैठक करेंगे और केन्द्र सरकार द्वारा समय-समय पर जारी किए गए मार्ग निदेशों के अनुसार कार्य करेंगे। केन्द्रीय भविष्य निधि आयुक्त को अधिकार होगा कि वह किसी अन्य योग्य लेखा परीक्षक से खातों को दुबारा लेखा परीक्षा कराए और ऐसे पुनः लेखा-परीक्षा के खर्च नियोक्ता वहन करेगा।

10. न्यासी बोर्ड द्वारा रखे गए भविष्य निधि लेखों ग्रहणता प्राप्त निष्पक्ष चाटर्ड अकाउन्टेन्ट द्वारा वार्षिक लेखा परीक्षा के अध्वधीन होंगे। जहां आवश्यक समझा जाए, केन्द्रीय भविष्य निधि आयुक्त की किसी अन्य ग्रहणता प्राप्त लेखा-परीक्षा द्वारा लेखों की पुनः लेखा परीक्षा कराने का अधिकार होगा और इस पर हुआ व्यय नियोक्ता द्वारा वहन किया जाएगा।

11. प्रत्येक वर्ष स्थापना के लेखा परीक्षित तुलन-पत्र के साथ लेखा परीक्षित वार्षिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छः माह के अन्दर क्षेत्रीय भविष्य निधि आयुक्त को प्रस्तुत की जाएगी। इस प्रयोजन के लिए भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा।

12. नियोक्ता प्रतिमाह भविष्य निधि के देय अपने कर्मचारियों के अंशदानों को आगामी माह की 15 तारीख तक न्यासी बोर्ड को अंतरित कर देगा। अंशदानों की विलम्ब से अदायगी करने के लिए समान परिस्थितियों में नियोक्ता नुकशानी देने का उसी प्रकार उत्तरदायी होगा जिस प्रकार एक न-छूट प्राप्त स्थापना उत्तरदायी होती है।

13. न्यासी बोर्ड सरकार द्वारा समय-समय पर दिए गए निदेशों के अनुसार निधि में जमा राशियों का निवेश करेगा। प्रतिभूतियां न्यासी बोर्ड के नाम पर प्राप्त की जाएंगी और भारतीय रिजर्व बैंक के जमा निवन्धन में अनुसूचित बैंक की अभिरक्षा में रखा जाएगा।

14. सरकार के निदेशों के अनुसार निवेश न करने पर न्यासी बोर्ड अलग-अलग रूप में और एक साथ केन्द्रीय भविष्य निधि आयुक्त या उसके प्रतिनिधियों द्वारा लगाए गए अधिक प्रसार का उत्तरदायी होगा।

15. न्यासी बोर्ड एक वस्तु-व्यापार रजिस्टर तैयार करेगा और व्याज और निभोचन आय की समय पर वृद्धी सुनिश्चित करेगा।

16. जमा किए गए अंशदानों, निकाले गए और प्रत्येक कर्मचारी से संबंधित व्याज को दिखाने के लिए न्यासी बोर्ड विस्तृत लेख तैयार करेगा।

17. वित्तीय/लेखा वर्ष की समाप्ति के छः माह के अन्दर बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण जारी करेगा।

18. बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पासबुक जारी कर सकता है। ये पास-बुक कर्मचारियों की अभिरक्षा में रहेंगी और कर्मचारियों के प्रस्तुतीकरण पर बोर्ड द्वारा इन्हें अद्यतन किया जाएगा।

19. लेखा वर्ष के पहले दिन आदि शेष पर प्रत्येक कर्मचारी के लेखों में व्याज उम दर से जमा किया जाएगा जिसका न्यासी बोर्ड निर्णय करे परन्तु यह उक्त स्कीम के पैरा 60 के अंतर्गत केन्द्रीय सरकार द्वारा घोषित दर से कम नहीं होगा।

20. यदि न्यासी बोर्ड केन्द्रीय सरकार द्वारा घोषित व्याज की दर इस कारण से कि निवेश पर आय कम है या किसी अन्य कारण से घटा करने में असमर्थ है तो इस कमी को नियोक्ता पूरा करेगा।

21. नियोक्ता भविष्य निधि की चोरी के कारण, लूट-खसोट, ख्यानत, गबन अथवा किसी अन्य कारण से हुई हानि को पूरा करेगा।

22. नियोक्ता और न्यासी बोर्ड, क्षेत्रीय भविष्य निधि आयुक्त को ऐसी विवरणियां प्रस्तुत करेगा जो समय-समय पर केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त निर्धारित करें।

23. उक्त स्कीम के पैरा 69 की शैली पर किसी कर्मचारी को निधि के सदस्य न रहने पर यदि स्थापना के भविष्य निधि नियमों में नियोक्ताओं के अंशदानों को जमा करने की व्यवस्था है तो न्यासी बोर्ड इस प्रकार जमा की गई राशियों का अलग में लेखा तैयार करेगा और उसे ऐसे प्रयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त की पूर्व अनुमति से सुनिश्चित किया गया हो।

24. स्थापना के भविष्य निधि नियमों में निहित किसी बात के होने हुए भी यदि किसी व्यक्ति की सेवा निवृत्ति होने के फलस्वरूप या किसी अन्य प्रतिष्ठान में नौकरी करने पर निधि की सदस्यता समाप्त हो जाती है या पता लगता है कि प्रतिष्ठान के भविष्य निधि नियमों के अंतर्गत अंशदान की दर समग्रहण की दर आदि संबंधित योजना के अंतर्गत दी गई बातों की तुलना में कम अनुकूल है तो अन्तर का वहन निजिना द्वारा किया जाएगा।

25. नियोजक, भविष्य निधि के प्रशासन से संबंधित सभी खर्च जिसमें लेखों के रखरखाव, रिटर्न प्रस्तुत किए जाने, राशियों का अन्तरण शामिल है, वहन करेगा।

26. नियोजक समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई संशोधन होता है, उसकी मुख्य बातों की कार्यवाहियों के बढुमते की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा।

27. "समुचित सरदार" स्थापना की बात छूट पर और शर्तें लगा सकती है।

28. यदि उक्त अधिनियम के अंतर्गत स्थापना बन जिसमें उसकी स्थापना आती है, पर अंशदान की दर बढ़ायी जाती है, नियोजक भविष्य निधि अंशदान की दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अंतर्गत दिए जाने वाले लाभों से स्थापना निस्वलीम के अंतर्गत दिए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार से कम न हों।

29. उक्त शर्तों में से किसी एक के उल्लंघन पर छूट रद्द की जा सकती है।

[सं. एस.-35015/13/92-एस. एस.-II]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 13th November, 1992

SO. 3022.—Whereas Messrs Angus Company Ltd., (Angus Engg. Works) Bhadreswar, Hooghly (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefit which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of similar character;

Now, therefore in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto the Central Government

hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of section 17 of the said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the un-exempted establishments, and the said Scheme framed thereunder.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to the said scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically. No amendment of the rules of the Provident Fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their points of view.

5. All employees (as defined in section 2 of the said Act) who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees Provident Fund (Statutory) or a provident fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the Provident Fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees Provident Fund Organisation, India for proper accounts of the receipt into and payments from the Provident Fund and the balances in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or any officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Chartered Accountant annually. Where considered necessary, the Central Pro-

vident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an un-exempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of scheduled Bank under the Credit Control of the Reserve Bank of India.

14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a script-wise register and ensure timely realisation of interest and ensure timely realisation of interest and redemption proceeds.

16. The Board Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of account to every employee within six months of the close of financial accounting year.

18. The Board may, instead of the annual statement of accounts, issue Pass books to every employee. These pass books shall remain in the custody of the employee and will be brought up to date by the Board on presentation by the employee.

19. The account of each employee shall be credited with interest calculated on the opening balance as on the 1st day of the accounting year at such rate as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason then the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund due

to theft, burglary, defalcation, mis-appropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government Central Provident Fund Commissioner may prescribe from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employees contributions in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain a separate account on the amounts so forfeited and may utilise the same for such purpose be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding any thing contained in the Provident Fund Rules of the establishment, if on the cessation of any individual from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it found that the rate of contribution rate of forfeiture etc., under the P. F. Rules of the establishment are less favourable as compared to these under the statutory Scheme, the difference shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of accounts, submission of returns, transfer of accumulations.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for continued exemption of the establishment.

28. The employees shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[F. No. S-35015/13/92-SS-II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 17 नवम्बर, 1992

का. आ. 3023 :—यतः मैसर्स हुक्म चन्द जूट मिल्स लिमिटेड पोस्ट आफिस हारजी नगर डिस्ट्रिक्ट 24 परगना 76 जे एम रोड घूसी हावड़ा। (इसके आगे जहाँ कहीं भी उक्त स्थापना शब्द का प्रयोग हो इससे अभिप्राय उक्त स्थापना से है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (इसके आगे उक्त अधिनियम के नाम से निर्दिष्ट) को धारा 17 की उपधारा

(1) के खंड (क) के अंतर्गत छूट प्राप्त करने के लिए आवेदन किया है।

सब्र केन्द्र सरकार की राय में उक्त स्थापना के कर्मचारियों के लिए तैयार किए गए भविष्य निधि नियमों में अंशदान की दर उक्त अधिनियम की धारा 6 में उल्लिखित कर्मचारी अंशदान की दर से कम नहीं है तथा इसके कर्मचारियों को मिलने वाले भविष्य निधि लाभ उक्त अधिनियम तथा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके आगे जहां कहीं स्कीम शब्द का प्रयोग किया गया है उससे अभिप्राय उक्त स्कीम से है) में उल्लिखित लाभों से किसी भी प्रकार से कम नहीं है जो इस वर्ग की स्थापनाओं में कार्यरत कर्मचारियों को उपलब्ध है।

अब इसलिए उक्त अधिनियम की धारा 17 की उपधारा एक के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और संलग्न अनुसूची में वर्णित शर्तों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त स्कीम के सभी उपबन्धों के लागू होने से छूट प्रदान करती है।

अनुसूची

1. उक्त स्थापना से संबंधित नियोक्ता केन्द्र सरकार के द्वारा समय-समय पर दिए गए निर्देश के अनुसार उक्त अधिनियम की धारा 17 की उपधारा (3) के खंड (क) में उल्लिखित निरीक्षण के लिए सुविधाएं प्रदान करेगा और ऐसे निरीक्षण प्रकार की अदायगी प्रत्येक मास की समाप्ति के 15 दिन के अन्दर करेगा।

2. न-छूट प्राप्त स्थापनाओं के संबंध में उक्त अधिनियम और उनके अधीन सृजित उक्त स्कीम के अन्तर्गत देय अंशदान की दर से स्थापना के भविष्य निधि नियमों के अन्तर्गत देय अंशदान की दर किसी समय भी कम न होगी।

3. पेशगियों के मामले में छूट प्राप्त स्थापना की स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 से कम हितकर नहीं होगी।

4. उक्त स्कीम में कोई भी संशोधन जो स्थापना के वर्तमान नियमों से अधिक लाभकारी है उन पर अपने आप लागू किया जाएगा। उक्त स्थापना के भविष्य निधि नियमों में कोई भी संशोधन, क्षेत्रीय भविष्य निधि आयुक्त की पूर्ण अनुमति के बिना नहीं किया जाएगा और जहां किसी संशोधन से उक्त स्थापना के कर्मचारियों के हित के प्रतिकूल प्रभाव होने की सम्भावना है वहां अपनी अनुमति देने से पूर्व, क्षेत्रीय भविष्य निधि आयुक्त, कर्मचारियों को अपने विचार प्रस्तुत करने का उचित अवसर देगा।

5. यदि स्थापना को छूट न दी जाती तो व सभी कर्मचारी [जैसे उक्त अधिनियम की धारा 2(घ) में निश्चित किया गया है] जो सदस्य बनने के पात्र होते, सदस्य बनाए जाएंगे।

6. जहां एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छूट प्राप्त स्थापना का पहले से

सदस्य है, को अपनी स्थापना से काम पर लगाया जाता है तो नियोक्ता उसे निधि का तुरन्त सदस्य बनाएगा और और कर्मचारी के पिछले नियोक्ता के पास भविष्य निधि के बारे में संक्षेप की संक्षिप्त करने और उसी दिखे में जमा कराने की व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि आयुक्त के द्वारा अथवा केन्द्रीय सरकार के द्वारा जैसा भी मामला हो, समय-समय पर दिए गए निर्देशों के अनुसार भविष्य निधि से प्रवन्ध के लिए नियोक्ता न्यासी बोर्ड की स्थापना करेगा।

8. भविष्य निधि, न्यासी बोर्ड में निहित होगा जो अन्य बातों के होते हुए भविष्य निधि में आय के उचित लेखों और भविष्य निधि से अदायगियों और उनकी अभिरक्षा में धेवों के लिए कर्मचारी भविष्य निधि संगठन के उत्तरदायी होगा।

9. न्यासी बोर्ड काम से कम 3 माह में एक बार बैठक करेगा और केन्द्र सरकार द्वारा समय-समय पर जारी किए गए मार्ग निर्देशों के अनुसार कार्य करेगा। केन्द्रीय भविष्य निधि आयुक्त को अधिकार होगा कि वह किसी अन्य योग्य केन्द्र परीक्षक से खातों को बुझा लेखा परीक्षा कराए और ऐसे पुनः केन्द्र परीक्षा के खर्च नियोक्ता वहन करेगा।

10. न्यासी बोर्ड द्वारा रखे गए भविष्य निधि लेखे अर्हता प्राप्त निष्पक्ष चार्टर्ड अकाउन्टेन्ट द्वारा वार्षिक लेखा परीक्षा के अधीन होंगे। जहां आवश्यक समझा जाए, केन्द्रीय भविष्य निधि आयुक्त को किसी अन्य अर्हता प्राप्त लेखा-परीक्षा द्वारा लेखों की पुनः परीक्षा कराने का अधिकार होगा और इस पर हुआ व्यय नियोक्ता द्वारा वहन किया जाएगा।

11. प्रत्येक वर्ष स्थापना के लेखा परीक्षित तुलन-पत्र के साथ लेखा परीक्षा वार्षिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छः माह के अन्दर क्षेत्रीय भविष्य निधि आयुक्त को प्रस्तुत की जाएगी। इस प्रयोजन के लिए भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा।

12. नियोक्ता प्रतिमाह भविष्य निधि के देय अपने कर्मचारियों के अंशदानों को आगामी माह की 15 तारीख तक न्यासी बोर्ड को अर्पित करेगा। अंशदानों की विलम्ब से अदायगी करने के लिए समान परिस्थितियों में नियोक्ता नुकसानी देने का उसी प्रकार उत्तरदायी होगा जिस प्रकार एक न-छूट प्राप्त स्थापना उत्तरदायी होती है।

13. न्यासी बोर्ड सरकार द्वारा समय-समय पर दिए गए निर्देशों के अनुसार निधि में जमा राशियों का निवेश करेगा। प्रतिभूतियां न्यासी बोर्ड के नाम पर प्राप्त की जाएंगी और भारतीय रिजर्व बैंक के जमा नियन्त्रण में अनुसूचित बैंक की अभिरक्षा में रखा जाएगा।

14. सरकार के निर्देशों के अनुसार निवेश न करने पर न्यासी बोर्ड अलग-अलग रूप से और एक साथ केन्द्रीय भविष्य

निर्धन आयुक्त या उसके प्रतिनिधियों द्वारा लगाए गए अधिक प्रसार का उत्तरदायी होगा।

15. न्यासी बोर्ड एक वस्तु-स्थीर रजिस्टर तैयार करेगा और व्याज और विमोचन आय की समय पर वसूली सुनिश्चित करेगा।

16. जमा किए गए अंशदानों, निकाले गए और प्रत्येक कर्मचारी से संबंधित व्याज को दिखाने के लिए न्यासी बोर्ड निम्नलिखित लेख तैयार करेगा।

17. वित्तीय/लेखा वर्ष की समाप्ति के छः माह के अन्दर बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण जारी करेगा।

18. बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पास्तुक जारी कर सकता है। वे पास्त-युक्त कर्मचारियों की अभिरक्षा में रहेंगी और कर्मचारियों के प्रस्तुतीकरण पर बोर्ड के द्वारा इन्हें अद्यतन किया जाएगा।

19. लेखा वर्ष के पहले दिन आदि शेष पर प्रत्येक कर्मचारी के लेख में व्याज उस दर से जमा किया जाएगा जिसका न्यासी बोर्ड निर्णय करे परन्तु यह उक्त स्कीम के पैरा 60 के अन्तर्गत केन्द्रीय सरकार द्वारा घोषित दर से कम नहीं होगा।

20. यदि न्यासी बोर्ड केन्द्रीय सरकार द्वारा घोषित व्याज की दर इस कारण से कि निवेश पर आय कम है या किसी अन्य कारण से अदा करने में असमर्थ है तो इस दमी को नियोजता पूरा करेगा।

21. नियोजता भविष्य निधि की चोरी के कारण, लूटबरोट, छद्मता, गबन अथवा किसी अन्य कारण से हुई हानि को पूरा करेगा।

22. नियोजता और न्यासी बोर्ड, क्षेत्रीय भविष्य निधि आयुक्त को ऐसी विवरणियाँ प्रस्तुत करेगा जो समय-समय पर केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त निवेष्टित करें।

23. उक्त स्कीम के पैरा 69 की शैली पर किसी कर्मचारी को निधि के सदस्य न रहने पर यदि स्थापना के भविष्य निधि नियमों में नियोजताओं के अंशदानों को जमा करने की व्यवस्था है तो न्यासी बोर्ड इस प्रकार जमा की गई राशियों का अलग से लेखा तैयार करेगा और उसे ऐसे प्रयोजनों के लिए उपयोग करेगा कि केन्द्रीय भविष्य निधि आयुक्त की पूर्व अनुमति से सुनिश्चित किया गया हो।

24. स्थापना के भविष्य निधि नियमों में निर्दिष्ट किसी बात के होते हुए भी यदि किसी व्यक्ति का सेवा निवृत्ति होने के फलस्वरूप या किसी अन्य प्रतिष्ठान में नौकरी पर निधि की सदस्यता समाप्त हो जाती है या पता लगता है कि प्रतिष्ठान के भविष्य निधि नियमों के अन्तर्गत अंशदान की दर समय-समय पर आदि सांविधिक योजना के अन्तर्गत दी गई दरों की तुलना में कम अनुकूल है तो अन्तर का अहन नियोजता द्वारा किया जाएगा।

25. नियोजता, भविष्य निधि के प्रशासन से संबंधित सभी चर्च जिसमें लोगों के स्वयंस्वाय, रिटर्न प्रस्तुत किए जाने, अधियों का अन्तर्गत शामिल है, वहन करेगा।

26. नियोजता समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई संशोधन होता है, उसकी मुद्रा दातों को कर्मचारियों के बहुमत की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा।

27. "समुचित सरकार" स्थापना की चालू छूट पर और शर्तें लगा सकती है।

28. यदि उक्त अधिनियम के अन्तर्गत स्थापना वर्ग जिसमें उसकी स्थापना आती है, पर अंशदान की दर बढ़ाई जाती है, नियोजता भविष्य निधि अंशदान की दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अन्तर्गत दिए जाने वाले लाभों से स्थापना की स्कीम के अन्तर्गत दिए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार से कम न हों।

29. उक्त शर्तों में से किसी एक के उल्लंघन पर छूट रद्द की जा सकती है।

[सं. एस-35015/17/92-एम. एस. II]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 17th November, 1992

S.O. 3023.—Whereas Messrs Hukum Chand Jute Mills Ltd. P.O. Hanjindgar Distt. 24 Pargans 76 Joginder Mukherjee Road Ghuri Howrah (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rules of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause

(a) of sub-section (3) of section 17 said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the un-exempted establishments and the said Scheme framed thereunder.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to the said scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically. No amendment of the rules of the Provident fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall before giving his approval, given a reasonable opportunity to the employees to explain their points of view.

5. All employees (as defined in section 2 of the said Act) who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a members of the Employees Provident Fund (Statutory) or a provident fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the Provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustee, who will be responsible for and accountable to the Employees Provident Fund Organisation inter-alia for proper accounts of the receipts into and payments from the Provident Fund and the balances in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or and officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other quali-

fied auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an un-exempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of scheduled Bank under the Credit Control of the Reserve Bank of India.

14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a script wise register and ensure timely realisation of interest and ensure timely realisation of interest and redemption proceeds.

16. The Board Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of account to every employee within six months of the close of financial/accounting year.

18. The Board may, instead of the annual statement of accounts, issue Pass books to every employee. These pass book shall remain in the custody of the employee and will be brought up to date by the Board on presentation by the employee.

19. The account of each employee shall be credited with interest calculated on the opening balance as on the 1st day of the accounting year at such rate as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason then the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund due

to theft, burglary, defalcation, mis-appropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribe from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employees contributions in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain a separate account on the amounts so forfeited and may utilise the same for such purpose be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding any thing contained in the Provident Fund Rules of the establishment, if on the cessation of any individual from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is found that the rate of contribution rate of forfeiture etc., under the P. F. Rules of the establishment are less favourable as compared to these under the statutory Scheme, the difference shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of accounts, submission of returns, transfer of accumulation.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as when amended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for continued exemption of the establishment.

28. The employees shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[File No. S-35015/17/92-SS-II]
J. P. SHUKLA, Under Secy.

नई दिल्ली, 17 नवम्बर, 1992

का. आ. 3024.—केन्द्रीय सरकार कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम प्रवर्तन से मैगर्स जैरा संलग्न सूची में दर्शाया गया है में नियुक्त नियमित कर्मचारियों को 30-9-94 तक की जिसमें यह दिनांक भी सम्मिलित है की अवधि के लिए छूट प्रदान करती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात्:—

- (1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित है, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदनिर्धारण दिखाए जायेंगे,
- (2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रगतिप्राप्त प्राप्त करते रहेंगे, जिनका पाने के लिए वे इस अधिनियम द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व मंजूर अभिदायों के आधार पर हकदार हो जाते,
- (3) छूट प्राप्त अवधि के लिए यदि कोई अभिदाय पहले ही किए जा चुके हों तो वे वापस नहीं किए जाएंगे,
- (4) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इससे पश्चात् "उक्त अवधि" कहा गया है), ऐसी विवरणियां ऐसे प्रारूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी,
- (5) निगम द्वारा उक्त अधिनियम की धारा 45 की उप-धारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का हम निमित्त प्राधिकृत कोई अन्य पदधारी:—
 - (i) धारा 44 की उप-धारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को स्थापित करने के प्रयोजनार्थ
 - (ii) यह अभिनियमित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गए थे या नहीं, या
 - (iii) यह अभिनियमित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को जिसके प्रतिकर स्वरूप इस अधिनियम के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं, या
 - (iv) यह अभिनियमित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं,

निम्नलिखित कार्य करने के लिए सशक्त होगा:—

- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करने कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है,
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधिकोगा-धीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रबन्धी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदाय से संबंधित ऐसा लेखा, बहियां और अन्य दस्तावेज ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने दे, या उन्हें ऐसी जानकारी दे, जिसे वे आवश्यक समझते हैं।
- (ग) प्रधान या अव्यवहित नियोजक की, उसके अभि-कर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना, या
- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना।

अनुसूची

क्रमांक	संस्थान का नाम	दिनांक जिस दिन से छूट दी गयी।
1	2	3
1.	ग्राल दी यूनिटस आफ मैसर्स इंडियन आयल कारपोरेशन लि., (भाकेटिंग डिवीजन), नई दिल्ली।	1-10-88
2.	ग्राल दी यूनिटस आफ मैसर्स हिन्दुस्तान पेट्रोलियम कारपोरेशन लि., बम्बई।	1-10-91
3.	ग्राल दी यूनिटस आफ मैसर्स भारत पेट्रोलियम लि., बम्बई।	1-10-91
4.	मैसर्स इंडियन आयल बिल्डिंग लि., कलकत्ता और द्वाबे	1-10-91
5.	मैसर्स इंडियन आयल कारपोरेशन (रि-फार्मरीज एण्ड पीपिलाईज्ड डिवीजन) गुवाहाटी	1-10-91
6.	ग्राल दी यूनिटस आफ मैसर्स भारत हेवी इलेक्ट्रीकल्स लि., लोदी रोड, नई दिल्ली	1-10-91

1	2	3
7.	मैसर्स मादति उद्योग लि., गुडगावा, हरियाणा	1-10-91
8.	मैसर्स हिन्दुस्तान एरोनॉटिक्स लि., लखनऊ	1-10-91
9.	मैसर्स हिन्दुस्तान एरोनॉटिक्स लि., कानपुर	1-10-91
10.	मैसर्स हिन्दुस्तान जिक लि., विशाखा-पट्टनम।	1-10-91
11.	मैसर्स हिन्दुस्तान जिक लि., उदयपुर	1-10-91
12.	मैसर्स नेशनल एडमिनिस्ट्रेशन लि., विशाखापट्टनम	1-10-91
13.	मैसर्स इंडियन फार्मेस फर्टिलाईजर्स कोरपोरेटिव लि., कलौल डिस्ट्रिक्ट, गांधी-नगर (गुजरात)	1-10-91
14.	मैसर्स सेन्ट्रल इलेक्ट्रॉनिक्स लि., साहिवाबाद (उ. प्र.)	1-10-87
15.	मैसर्स नेशनल फर्टिलाईजर्स लि., भाटडा	1-10-88
16.	मैसर्स इंडियन रॉबेयर्स लि., उद्योग मंडल, केरल	1-10-86
17.	मैसर्स इंस्ट्रुमेंटेशन लि., कोटा	1-10-86
18.	मैसर्स राष्ट्रीय केमिकल्स एण्ड फर्टिलाइजर्स लि., बम्बई	1-10-87
19.	मैसर्स भारत इलेक्ट्रॉनिक्स लि., गाजियाबाद (उ. प्र.) (क्षेत्रीय कार्यालय नई दिल्ली एण्ड लाईसेंस ऑफिसर, आगरा)	1-10-88
20.	मैसर्स इंडियन टेलिकॉम इंस्ट्रुमेंट्स लि., रायबरेली	1-10-88
21.	मैसर्स कम्प्यूटर मैनेजर्स कोरपोरेशन, नई दिल्ली	1-10-88
22.	मैसर्स भारत सोल्ड माइन्स लि., कोलार-गोण्ड फिल्टन, कलकत्ता	1-10-88
23.	मैसर्स सीमेंट कोरपोरेशन आफ इंडिया लि. चरखी पादरी (हरियाणा)	8-10-85
24.	मैसर्स हिन्दुस्तान शिपयार्ड लि., विशाखापट्टनम	1-10-89
25.	मैसर्स नई मैंगलोर पोर्ट ट्रस्ट, मैंगलोर	1-10-88
26.	मैसर्स कोचीन शिपयार्ड लि., कोचीन	1-10-87
27.	मैसर्स कोरपुर्ण पोर्ट ट्रस्ट, कोरपुर्ण	1-10-88
28.	मैसर्स फिल्ड वकेशीप एण्ड मैरीन वर्क शोप आफ टुटीकोरीन पोर्ट ट्रस्ट, टुटीकोरीन	1-10-87

1	2	3	1	2	3
29. मैसर्स भारत हेवी यंत्रें एंड बीकेल्स लि., विशाखापट्टनम	1-10-91		48. मैसर्स रीजनल रिसर्च लैबोरेटरी, हैदराबाद		1-10-82
30. मैसर्स इंडियन ड्रग्स एंड फार्मास्यूटिकल्स लि., मद्रास	24-11-80		49. मैसर्स नेशनल फिजिकल लैबोरेटरी, नई दिल्ली		1-10-82
31. मैसर्स हिन्दुस्तान फोटो फिन्सन्स मैनु फैब्रिकेशन क. लि., मद्रास	1-10-91		50. मैसर्स नेशनल केमिकल लैबोरेटरी, नई दिल्ली		1-10-87
32. मैसर्स पवन हंम लि., नई दिल्ली	1-10-91		51. मैसर्स सेन्ट्रल रोड रिसर्च इंस्टीट्यूट, नई दिल्ली		1-10-82
33. दी वर्कशॉप डिवाइज आफ मैसर्स मिनरल कोरपोरेशन लि., नागपुर	1-10-91		52. मैसर्स विश्वेश्वरैया इंडस्ट्रीयल एंड टेक्नोलॉजीकल सोल्यूशंस, फजलका		17-11-74
34. दी कम्प्यूटर सेंटर आफ मैसर्स स्टेट बैंक ऑफ इंडिया, बम्बई	1-10-88		53. मैसर्स कारपोरेट ऑफिस आफ मैसर्स नेशनल टेक्सटाईल कारपोरेशन (एन पी) लि., इन्दौर		1-10-87
35. डाटा प्रोसेसिंग डिपार्टमेंट आफ मैसर्स लाईफ इन्शुरेंस कारपोरेशन आफ इंडिया, बम्बई	1-10-84		54. मैसर्स कारपोरेट ऑफिस आफ मैसर्स नेशनल टेक्सटाईल कारपोरेशन (यू पी) लि., कामपुर		1-10-91
36. मरवाटा वर्कशॉप आफ मैसर्स नार्थ ईस्टर्न कोल फील्ड, आसाम	1-10-91		55. कारपोरेट ऑफिस आफ मैसर्स नेशनल टेक्सटाईल कारपोरेशन (तन्निताडु एंड पांडीचेरी) लि., मद्रास		1-4-86
37. मैसर्स वेनेश्रीह वर्कशॉप एंड गिरिडीह कोक ओवर प्लांट आफ मैसर्स कोल इंडिया लि.,	1-10-83		56. कारपोरेट ऑफिस आफ मैसर्स एन. टी. सी. (दिल्ली, पंजाब एंड राजस्थान, नई दिल्ली)		1-10-83
38. आल दी यूनियंस आफ मैसर्स सेन्ट्रल रिल्स बोर्ड, बैंगलोर	1-10-88		57. कारपोरेट ऑफिस आफ मैसर्स हिन्दुस्तान लाटेक्स लि., त्रिवेन्द्रम (पूजापुरम)		1-10-87
39. सेन्ट्रल स्टोराज एंड गणवाई डिविजन आफ मैसर्स नेशनल सीड्स कोरपोरेशन, नई दिल्ली	1-10-91		58. मैसर्स डाइरेक्ट्रेट आफ प्रोडक्शन सेंटर, उत्तमानुर, केरल		1-10-87
40. मैसर्स हैडीक्राफ्ट्स एंड हैडलूम एक्सपोर्ट्स कोरपोरेशन लि. (मार्गेंटिंग डिविजन), नई दिल्ली	1-10-91		59. मैसर्स सेन्ट्रल टूल रूम, लुधियाना		1-10-88
41. मैसर्स डी. वी. सी. पावर स्टेशन कुमारधुब रामगढ़ एंड हावड़ा	1-7-82		60. मैसर्स सेन्ट्रल टूल रूम एंड ट्रेनिंग सेंटर, फजलका		1-10-88
42. फैक्ट्रीज विलीगिंग टू मैसर्स ओ एन जी सी एट कम्पनी अहमदाबाद, बड़ोदा एंड देहरादून	1-7-84		61. मैसर्स इंडिया फायर-प्रिक्स एंड इंशुरेंस कं. लि., एंड रांची रीड रिफ्रेक्टोरिज प्लांट आफ मैसर्स भारत रिफ्रेक्टोरिज लि., रांची		1-10-91
43. मैसर्स इंस्टीट्यूट आफ डेसिंग एंड इलेक्ट्रीकल मैंगुनिंग इन्स्टीट्यूट, बम्बई	1-10-91		62. मैसर्स वरारी लोधाबाद एंड लोदना कोक प्लांट्स आफ मैसर्स भारत कोकिंग कोल लि.,		1-10-85
44. मैसर्स गोवा मेट कॉम्प्लेक्स लि., गोवा	1-10-91		63. मैसर्स सेन्ट्रल दुर्गस रिसर्च इंस्टीट्यूट, लखनऊ		1-10-82
45. मैसर्स नेशनल इन्वीरमेंटल इंजीनियरिंग रिसर्च इंस्टीट्यूट नागपुर अंडर दी सी एम आर्टि आर	1-10-88		64. मैसर्स सेन्ट्रल रोड टेक्नोलॉजिकल्स रिसर्च इंस्टीट्यूट, मैसूर		1-10-86
46. मैसर्स नेशनल इन्स्ट्रुमेंट्स लि., जाधवपुर (कलकत्ता)	1-10-87		65. ब्रिटिश इंडिया कारपोरेशन लि., कामपुर		1-10-91
47. मैसर्स नेशनल एरोनौटिकल्स लैबोरेटरी, बैंगलोर	17-11-74				

[संख्या एस-38014/26/90-एम. एस.-I]

जय प्रकाश शुक्ल, अवर सचिव

(स्पष्टीकरण ज्ञापन)

इस सार्वजनिक में छूट को भूतलक्षी प्रभाव देना आवश्यक हो गया है क्योंकि छूट के आवेदन पर कार्यवाही करने में समय लगा था, किन्तु यह प्रमाणित किया जाता है कि छूट को भूतलक्षी प्रभाव देने से किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

New Delhi, the 17th November, 1992

S.O. 3034.—In exercise of the power conferred by section 88 read with section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby exempts the regular employees of the Factories/Establishments specified in the schedule from the operation of the said Act for a period with effect from the dates mentioned in Column 3 of the Schedule upto and inclusive of the 30th September, 1994.

2. The above exemption is subject to the following conditions namely :—

- (1) The aforesaid establishment wherein the employees are employed shall maintain a register showing the name and designations of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refunded;
- (4) The employer of the said factory/establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) Any inspector appointed by the Corporation under sub-section (1) of Section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purpose of :—
 - (i) verifying the particulars contained in any return submitted under sub-section (1) of Section 44 for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification;

tion; or

- (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory to empowered to :
 - (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
 - (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
 - (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or
 - (d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises.

SCHEDULE

Sl. No.	Name of the Establishment/Factory	Date from which exemption is granted
1	2	3
1.	All the Units of M/s. Indian Oil Corporation Ltd., (Marketing Division), New Delhi.	1-10-88
2.	All the Units of M/s. Hindustan Petroleum Corporation Ltd., Bombay.	1-10-91
3.	All the Units of M/s. Bharat Petroleum Limited, Bombay.	1-10-91
4.	M/s. Indian Oil Blending Ltd., Calcutta and Bombay	1-10-91
5.	M/s. Indian Oil Corporation (Refineries and Pipelines Division) Guwahati,	1-10-91
6.	All the Units of M/s. Bharat Heavy Electricals Ltd., Lodhi Road, New Delhi.	1-10-91
7.	M/s. Maruti Udyog Ltd., Gurgaon, Haryana.	1-10-91
8.	M/s. Hindustan Aeronautics Ltd., Lucknow.	1-10-91
9.	M/s. Hindustan Aeronautics Ltd., Kanpur.	1-10-91
10.	M/s. Hindustan Zinc Ltd., Visakhapatnam.	1-10-91
11.	M/s. Hindustan Zinc Ltd., Udaipur.	1-10-91
12.	M/s. National Aluminium Company Ltd., Visakhapatnam.	1-10-91

1	2	3	1	2	3
13.	M/s. Indian Farmers Fertilisers Cooperative Ltd., Kalol District, Gardhinagar (Gujarat).	1-10-91	43.	M/s. Institute of Design and Electrical Measuring Instruments., Bombay.	1-10-91
14.	M/s. Central Electronics Ltd., Sahitabad (UP)	1-10-87	44.	M/s. Goa Meat Complex Ltd., Goa.	1-10-91
15.	M/s. National Fertilizer Ltd., Bhatinda.	1-10-88	45.	M/s. National Environmental Engineering Research Institute, Nagpur under the CSIR.	1-10-88
16.	M/s. Indian Rare Earths Ltd., Udyogmandal, Kerala.	1-10-86	46.	M/s. National Instruments Limited, Jadavpur (Calcutta).	1-10-87
17.	M/s. Instrumentation Limited, Kota.	1-10-88	47.	M/s. National Aeronauticals Laboratory, Bangalore.	17-11-74
18.	M/s. Rashtriya Chemicals & Fertilizers Ltd., Bombay.	1-10-87	48.	M/s. Regional Research Laboratory.	1-10-82
19.	M/s. Bharat Electronics Ltd., Ghaziabad (UP) (including their Regional Offices in New Delhi and liaison office at Agra).	1-10-88	49.	M/s. National Physical Laboratory, New Delhi.	1-10-82
20.	M/s. Indian Telephone Industries Ltd., Raibareli	1-10-88	50.	M/s. National Chemical Laboratory, New Delhi.	1-10-86
21.	M/s. Computer Maintenance Corporation, New Delhi.	1-10-88	51.	M/s. Central Road Research Institute, New Delhi.	1-10-82
22.	M/s. Bharat Gold Mines Ltd., Kolar Gold Fields, Karnataka.	1-10-88	52.	M/s. Visvashwarya Industrial & Technological Measuem, Calcutta.	17-11-74
23.	M/s. Cement Corporation of India Ltd., Chhajli (Haryana).	8-10-85	53.	M/s. Corporate Office of M/s. National Textile Corporation (MP) Ltd., Indore.	1-10-87
24.	M/s. Hindustan Shipyard Ltd., Visakhapatnam.	1-10-89	54.	M/s. Corporate Office of M/s. National Textile Corporation (UP) Ltd., Kanpur	1-10-91
25.	M/s. New Mangalore Port Trust, Mangalore.	1-10-88	55.	Corporate Office of M/s. National Textile Corporation (Tamilnadu & Pondicherry) Ltd., Madras	1-4-1986
26.	M/s. Cochin Shipyard Limited, Cochin.	1-10-87	56.	Corporate Office of M/s. N.T.C. (Delhi, Punjab and Rajasthan, New Delhi).	1-10-83
27.	M/s. Mormugao Port Trust, Mormugao.	1-10-88	57.	Corporate Office of M/s. Hindustan Latex Ltd., Trivandrum (Poojapuram).	1-10-87
28.	M/s. Field Workshop and Marine Workshop of Tuticorin Port Trust, Tuticorin.	1-10-87	58.	M/s. Directorate of Production Centre, Uttumanur, Kerala.	1-10-87
29.	M/s. Bharat Heavy Plates and Vessels Ltd., Visakhapatnam.	1-10-91	59.	M/s. Central Tool Room, Ludhiana.	1-10-88
30.	M/s. Indian Drugs & Pharmaceuticals Ltd, Rishikesh.	24-11-80	60.	M/s. Central Tool Room & Training Centre, Calcutta.	1-10-88
31.	M/s. Hindustan Photo Films Manufacturing Co. Ltd., Madras.	1-10-91	61.	M/s. India Fire Bricks and Insulation Company Ltd., and Ranchi Road Refractories Plant of M/s. Bharat Refractories Ltd., Ranchi.	1-10-91
32.	M/s. Pawan Hans Ltd., New Delhi.	1-10-91	62.	M/s. Bararee Loyabad and Lodna Coke Plants of M/s. Bharat Coking Coal. Ltd.	1-10-85
33.	The Workshop Division of M/s. Mineral Corporation Ltd., Nagpur.	1-10-91	63.	M/s. Central Drugs Research Institute, Lucknow.	1-10-82
34.	The Computer Centre of M/s. State Bank of India, Bombay.	1-10-88	64.	M/s. Central Road Technological Research Institute, Mysore.	1-10-86
35.	Data Processing Department of M/s. Life Insurance Corporation of India, Bombay.	1-10-84	65.	British India Corporation Ltd., Kanpur.	1-10-91
36.	Margheta Workshop of M/s. North Eastern Coal Field, Assam.	1-10-91			[No. S-38014/26/90-SS.-I]
37.	M/s. Benedih Workshop & Giridih Coke Cver Plant of M/s. Coal India Ltd.	1-10-83			J.P. SHUKLA, Under Secy.
38.	All the Units of M/s. Central Silk Board, Bangalore.	1-10-88			
39.	Central Stores & Supply Division of M/s. National Seeds Corporation, New Delhi.	1-10-91			
40.	M/s. Handicrafts and Handloom Exports Corporation Ltd., (Marketing Division), New Delhi.	1-10-91			
41.	M/s. D.V.C. Power Stations Kumardhuby Ramgarh & Howrah.	1-7-82			
42.	Factories belonging to M/s. ONGC at Bombay, Ahmedabad, Baroda and Dehra Dun.	1-7-1984			

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as processing of the application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of any body adversely.

नई दिल्ली, 17 नवम्बर, 1992

का.प्र. 3025 :—यतः मैसर्स गोविन्द एण्ड कम्पनी प्राइवेट लिमिटेड गुड्स रोड पालाची कोम्बेटूर तमिलनाडु (इसके आगे जहाँ कहीं भी उक्त स्थापना शब्द का प्रयोग

हो इसके अधिप्राय उक्त स्थापना से है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) इसके आगे उक्त अधिनियम के नाम से निधिष्ठ को धारा 17 की उपधारा (1) के खंड (क) के अंतर्गत छूट प्राप्त करने के लिए आवेदन किया है।

यह केन्द्र सरकार की राय में उक्त स्थापना के कर्मचारियों के लिए तैयार किए गए भविष्य निधि नियमों में अंशदान की दर उक्त अधिनियम की धारा 6 में उल्लिखित कर्मचारी अंशदान की दर से कम नहीं है तथा इसके कर्मचारियों को मिलने वाले भविष्य निधि लाभ उक्त अधिनियम तथा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके आगे जहाँ कहीं भी स्कीम शब्द का प्रयोग किया गया है उससे अधिप्राय उक्त स्कीम से है) में उल्लिखित लाभों से किसी भी प्रकार से कम नहीं है जो इस वर्ग की स्थापनाओं में कार्यरत कर्मचारियों को उपलब्ध हैं।

अब इसलिए उक्त अधिनियम की धारा 17 की उपधारा एक के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और संलग्न अनुसूची में वर्णित शर्तों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त स्कीम के सभी उपबन्धों के लागू होने से छूट प्रदान करती है।

अनुसूची

1. उक्त स्थापना से संबंधित नियोक्ता केन्द्र सरकार के द्वारा समय-समय पर दिए गए निदेश के अनुसार उक्त अधिनियम की धारा 17 की उपधारा (3) के खंड (क) में उल्लिखित निरीक्षण के लिए सुविधाएं प्रदान करेगा और ऐसे निरीक्षण प्रभार की अदायगी प्रत्येक माह की समाप्ति के 15 दिन के अन्दर करेगा।

2. न-छूट प्राप्त स्थापनाओं के संबंध में उक्त अधिनियम और उनके अधीन सृजित उक्त स्कीम के अंतर्गत देय अंशदान की दर से स्थापना के भविष्य निधि नियमों के अन्तर्गत देय अंशदान की दर किसी समय भी कम न होगी।

3. पेशगियों के मामले में छूट प्राप्त स्थापना की स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 से कम हितकर नहीं होगी।

4. उक्त स्कीम में कोई भी संशोधन जो स्थापना के वर्तमान नियमों से अधिक लाभकारी है उन पर अपने आप लागू किया जाएगा। उक्त स्थापना के भविष्य निधि नियमों में कोई भी संशोधन, क्षेत्रीय भविष्य निधि आयुक्त की पूर्व अनुमति के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से उक्त स्थापना के कर्मचारियों के हित के प्रतिकूल प्रभावी होने की संभावना है वहाँ अपनी अनुमति देने से पूर्व, क्षेत्रीय भविष्य निधि आयुक्त, कर्मचारियों को, अपने विचार प्रस्तुत करने का उचित अवसर देगा।

5. यदि स्थापना को छूट न दी जाती तो वे सभी कर्मचारी (जैसे उक्त अधिनियम की धारा 2(ख) में निश्चित किया गया है) जो सदस्य बनने के पात्र होते, सदस्य बनाए जाएंगे।

6. जहाँ एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छूट प्राप्त स्थापना का पहले से सदस्य है, को अपनी स्थापना में काम पर लगाया जाता है तो नियोक्ता उसे निधि का तुरन्त सदस्य बनाए या और ऐसे कर्मचारी के पिछले नियोक्ता के पास भविष्य निधि लेखों में संचयों को अंतरित कराने और उसके लेखों में जमा कराने की व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि आयुक्त के द्वारा अथवा केन्द्रीय सरकार के द्वारा जैसे भी मामला हो, समय समय पर दिए गए निदेशों के अनुसार भविष्य निधि के प्रवर्ध के लिए नियोक्ता न्यासी बोर्ड की स्थापना करेगा।

8. भविष्य निधि, न्यासी बोर्ड में निहित होगा जो अन्य बातों के होते हुए भविष्य निधि में आय के उचित लेखों और भविष्य निधि से अदायगियों और उनकी अभिरक्षा में शेषी के लिए कर्मचारी भविष्य निधि गैंगटन के उत्तरदायी होगा।

9. न्यासी बोर्ड कम से कम 3 माह में एक बार बैठक करेंगे और केन्द्र सरकार द्वारा समय समय पर जारी किए गए मार्ग निदेशों के अनुसार कार्य करेंगे। केन्द्रीय भविष्य निधि आयुक्त को अधिकार होगा कि वह किसी अन्य योग्य लेखा परीक्षक से खातों को दुबारा लेखा परीक्षा कराए और ऐसे पुनः लेखा-परीक्षा के खर्च नियोक्ता वहन करेगा।

10. न्यासी बोर्ड द्वारा रखे गए भविष्य निधि लेखों अर्हता प्राप्त निदेश चार्टर्ड अकाउन्टेन्ट द्वारा वार्षिक लेखा परीक्षा के अधीन होंगे। जहाँ आवश्यक समझा जाए, केन्द्रीय भविष्य निधि आयुक्त की किसी अन्य अर्हता प्राप्त लेखा परीक्षा द्वारा लेखों की पुनः लेखा परीक्षा कराने का अधिकार होगा और इस पर हुआ व्यय नियोक्ता द्वारा वहन किया जाएगा।

11. प्रत्येक वर्ष स्थापना के लेखा परीक्षित तुलन पत्र के साथ लेखा परीक्षित वार्षिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छः माह के अन्दर क्षेत्रीय भविष्य निधि आयुक्त को प्रस्तुत की जाएगी। इस प्रयोजन के लिए भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा।

12. नियोक्ता प्रतिमाह भविष्य निधि के देय अपने कर्मचारियों के अंशदानों को आगामी माह की 15 तारीख तक न्यासी बोर्ड को अंतरित कर देगा। अंशदानों की विलम्ब से अदायगी करने के लिए समान परिस्थितियों में नियोक्ता नुकशानी देने का उसी प्रकार उत्तरदायी होगा जिस प्रकार एक न-छूट प्राप्त स्थापना उत्तरदायी होती है।

13. न्यासी बोर्ड, सरकार द्वारा समय समय पर दिए गए निदेशों के अनुसार निधि में जमा राशियों का निवेश करेगा। प्रतिभूतियाँ न्यासी बोर्ड के नाम पर प्राप्त की जाएगी और भारतीय रिजर्व बैंक के जमा नियन्त्रण में अनुसूचित बैंक की अभिरक्षा में रखा जाएगा।

11. सरकार के निर्देशों के अनुसार निवेश न करने पर न्यासी बोर्ड अलग-अलग रूप से और एक साथ केन्द्रीय भविष्य निधि आयुक्त या उसके प्रतिनिधियों द्वारा लगाए गए अधिक प्रभाव का उत्तरदायी होगा।

15. न्यासी बोर्ड एक वस्तु-द्वारा रजिस्टर तैयार करेगा और व्याज और विमोचन आय ती राशियों पर वसूली सुनिश्चित करेगा।

16. जमा किए गए अशदानों, निकाले गए और प्रत्येक कर्मचारी में संबंधित व्याज को दिखाने के लिए न्यासी बोर्ड विस्तृत लेख तैयार करेगा।

17. वित्तीय/लेखा वर्ष की समाप्ति के छ माह के अन्दर बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण जारी करेगा।

18. बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पासबुक जारी कर सकता है। ये पास-बुक कर्मचारियों की अभिरक्षा में रहेंगी और कर्मचारियों के प्रस्तुतीकरण पर बोर्ड के द्वारा इन्हें अध्ययन किया जाएगा।

19. लेखा वर्ष के पहले दिन आदि शेष पर प्रत्येक कर्मचारी के लेखों में व्याज उस दर में जमा किया जाएगा जिसका न्यासी बोर्ड निर्णय करे परन्तु यह उक्त स्कीम के पैरा 60 के अंतर्गत केन्द्रीय सरकार द्वारा घोषित दर में कम नहीं होगा।

20. यदि न्यासी बोर्ड केन्द्रीय सरकार द्वारा घोषित व्याज की दर इस कारण से कि निवेश पर आय कम है या किसी अन्य कारण से अदा करने में असमर्थ है तो इस कमी को नियोक्ता पूरा करेगा।

21. नियोक्ता भविष्य निधि की चोरी के कारण लूट-चमोट, खयानत, गबन अथवा किसी अन्य कारण से हुई हानि को पूरा करेगा।

22. नियोक्ता और न्यासी बोर्ड क्षेत्रीय भविष्य निधि आयुक्त को ऐसी विवरणियां प्रस्तुत करेगा जो समय-समय पर केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त निर्धारित करे।

23. उक्त स्कीम के पैरा 69 की शर्तों पर किसी कर्मचारी को निधि के सदस्य न रहने पर यदि स्थापना के भविष्य निधि नियमों में नियोक्ताओं के अशदानों को ज्वल करने की व्यवस्था है तो न्यासी बोर्ड इस प्रकार ज्वल की गई राशियों का अलग में लेखा तैयार करेगा और उसे ऐसे प्रयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त की पूर्व अनुमति से सुनिश्चित किया गया हो।

24. स्थापना के भविष्य निधि नियमों में निर्दिष्ट किसी बात के होते हुए भी यदि किसी व्यक्ति की सेवा निवृत्ति होने के फलस्वरूप या किसी अन्य प्रतिष्ठान में नौकरी करने पर निधि की सदस्यता समाप्त हो जाती है या पता लगता है कि प्रतिष्ठान के भविष्य निधि नियमों के अंतर्गत अशदान की दर समग्रहण की दर आदि

सांविधिक योजना के अंतर्गत दी गई दरों की तुलना में कम अनुकुल है तो अन्तर का वहन नियोक्ता द्वारा किया जायेगा।

25. नियोक्ता भविष्य निधि के प्रशासन में संबंधित सभी वर्ष जिसमें लेखों के रखरखाव रिटर्न परफेक्ट किए जाने, राशियों का अन्तरण शामिल है, वहन करेगा।

26. नियोक्ता समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई संशोधन होता है, उसकी मुख्य बातों को कर्मचारियों के बहुमत की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा।

27. "समुचित सरकार" स्थापना की खाल छट पर और शर्तें लगा सकती है।

28. यदि उक्त अधिनियम के अंतर्गत स्थापना वर्ष जिसमें उसकी स्थापना आती है, पर अशदान की दर बढ़ा दी जाती है, नियोक्ता भविष्य निधि अशदान की दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अंतर्गत दिए जाने वाले लाभों से स्थापना की स्कीम के अंतर्गत दिए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार से कम न हो।

29. उक्त शर्तों में से किसी एक को उल्लंघन पर छूट रहे की जा सकती है।

[नं. एस-35015/14/92-एस.एस.-II]

जे.पी. शुक्ला, प्रवर सचिव

New Delhi, the 17th November, 1992

S.O. 3025—Whereas Messrs Gounder & Co. Private Ltd., Goods Shed Road Pallachi, Coimbatore, Tamil Nadu (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And, whereas, in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Fund Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1), of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of section 17 said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the un-exempted establishments and the said Scheme framed thereunder.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to the said scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically. No amendment of the rules of the Provident fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their points of view.

5. All employees (as defined in section 2 of the said Act) who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees Provident fund (Statutory) or a Provident fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the Provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustee who will be responsible for and accountable to the Employees Provident Fund Organisation inter alia for proper accounts the receipts into and payments from the Provident Fund and the balances in their custody.

9 The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or and officer authorised by him.

10 The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Chartered Accountant

annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an un-exempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of scheduled Bank under the Credit Control of the Reserve Bank of India.

14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a script-wise register and ensure timely realisation of interest and redemption proceeds.

16 The Board Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue on annual statement of account to every employee within six months of the close of financial/accounting year.

18. The Board may, instead of the annual statement of accounts, issue Passbooks to every employee. These pass books shall remain in the custody of the employee and will be brought up to date by the Board on presentation by the employee.

19. The account of each employee shall be credited with interest calculated on the opening balance as on the 1st day of the accounting year at such rate as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para. 60 of the said Scheme.

20 If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason then the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund due to theft burglary, defalcation, mis-appropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribe from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employees contributions in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain a separate account on the amounts so forfeited and may utilise the same for such purpose be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding any thing contained in the Provident Fund Rules of the establishment, if on the cessation of any individual from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishments, it is found that the rate of contribution rate of forfeiture etc., under the P.F. Rules of the establishment are less favourable as compared to these under the statutory Scheme, the difference shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of accounts, submission of returns, transfer of accumulations.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for continued exemption of the establishment.

28. The employees shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[F. No. S.35015/14/92-SS-III]

J. P. SHUKLA, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 17 नवम्बर, 1992

का.भा. 3026:- यतः मैसर्स हाबड़ा मिल्स कम्पनी लिमिटेड, राम कूपटोपार हाबड़ा (इसके आगे जहाँ कहीं भी

उक्त स्थापना शब्द का प्रयोग हो इससे अभिप्राय उक्त स्थापना से है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) इसके आगे (उक्त अधिनियम के नाम से निर्दिष्ट) की धारा 17 की उप-धारा (1) के खंड (क) के अंतर्गत छूट प्राप्त करने के लिए आवेदन किया है।

यह केन्द्र सरकार की राय में उक्त स्थापना के कर्मचारियों के लिए तैयार किए गए भविष्य निधि नियमों में अंशदान की दर उक्त अधिनियम की धारा 6 में उल्लिखित कर्मचारी अंशदान की दर से कम नहीं है तथा इसके कर्मचारियों को मिलने वाले भविष्य निधि लाभ उक्त अधिनियम तथा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके आगे जहाँ कहीं भी स्कीम शब्द का प्रयोग किया गया है उससे अभिप्राय उक्त स्कीम से है) में उल्लिखित लाभों से किसी भी प्रकार से कम नहीं है जो इस वर्ग की स्थापनाओं में कार्बरात कर्मचारियों को उपलब्ध हैं।

अब इसलिए उक्त अधिनियम की धारा 17 की उप-धारा एक के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और संलग्न अनुसूची में वर्णित शर्तों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त स्कीम के सभी उपबन्धों के लागू होने से छूट प्रदान करती है।

अनुसूची

1. उक्त स्थापना से संबंधित नियोक्ता केन्द्र सरकार के द्वारा समय-समय पर दिए गए निदेश के अनुसार उक्त अधिनियम की धारा 17 की उपधारा (3) (क) में उल्लिखित निरीक्षण के लिए सुविधाएं प्रदान करेगा और ऐसे निरीक्षण प्रभार की अदायगी प्रत्येक माह की समाप्ति के 15 दिन के अन्दर करेगा।

2. न छूट प्राप्त स्थापनाओं के संबंध में उक्त अधिनियम और उनके अधीन सृजित उक्त स्कीम के अंतर्गत देय अंशदान की दर से स्थापना के भविष्य निधि नियमों के अंतर्गत देय अंशदान की दर किसी समय भी कम न होगी।

3. पेशगियों के मामले में छूट प्राप्त स्थापना की स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 से कम हितकर नहीं होगी।

4. उक्त स्कीम में कोई भी संशोधन जो स्थापना के वर्तमान नियमों से अधिक लाभकारी है उन पर अपने आप लागू किया जाएगा। उक्त स्थापना के भविष्य निधि नियमों में कोई भी संशोधन, क्षेत्रीय भविष्य निधि आयुक्त की पूर्ण अनुमति के बिना नहीं

नहीं किया जाएगा और जहाँ किसी संशोधन से उक्त स्थापना के कर्मचारियों के हित के प्रतिकूल प्रभावी होने की सम्भावना है—वहाँ अपनी अनुमति देने से पूर्व, क्षेत्रीय भविष्य निधि आयुक्त, कर्मचारियों को अपने विचार प्रस्तुत करने का उचित अवसर देगा।

5. यदि स्थापना को छूट न दी जाती तो वे सभी कर्मचारी (जैसे उक्त अधिनियम की धारा 2 (स) में निश्चित किया गया है) जो सदस्य बनने के पात्र होते, सदस्य बनाए जाएंगे।

6. जहाँ एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छूट-प्राप्त स्थापना का पहले से संबंध है, को अपनी स्थापना में काम पर लगाया जाता है तो नियोजक उसे निधि का तुरन्त सदस्य बनाए या और ऐसे कर्मचारी के पिछले नियोजक के पास भविष्य निधि लेखों में संचयों को अंतरित करने और उसके लेखों में जमा कराने की व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि आयुक्त के द्वारा अथवा केन्द्रीय सरकार के द्वारा जैसे भी मामला हो, समय-समय पर दिए गए निर्देशों के अनुसार भविष्य निधि के प्रबन्ध के लिए नियोजक न्यासी बोर्ड की स्थापना करेगा।

8. भविष्य निधि, न्यासी बोर्ड में निहित होगा जो अन्य बातों के होते हुए भविष्य निधि में आय के उचित लेखों और भविष्य निधि से अदायगियों और उनकी अभिरक्षा में धोषी के लिए कर्मचारी भविष्य निधि संगठन के उत्तरदायी होंगे।

9. न्यासी बोर्ड कम से कम 3 माह में एक बार बैठक करेंगे और केन्द्र सरकार द्वारा समय-समय पर जारी किए गए मार्ग निर्देशों के अनुसार कार्य करेंगे। केन्द्रीय भविष्य निधि आयुक्त को अधिकार होगा कि वह किसी अन्य योग्य लेखा परीक्षक से खातों को दुबारा लेखा परीक्षा कराए और ऐसे पुनः लेखा-परीक्षा के खर्च नियोजक वहन करेगा।

10. न्यासी बोर्ड द्वारा रखे गए भविष्य निधि लेखों अर्हता प्राप्त निष्पक्ष चाटर्ड अकाउन्टेन्ट द्वारा वार्षिक लेखा परीक्षा के अधीन होंगे। जहाँ आवश्यक समझा जाए केन्द्रीय भविष्य निधि आयुक्त की किसी अन्य अर्हता प्राप्त लेखा-परीक्षा द्वारा लेखों की पुनः लेखा परीक्षा कराने का अधिकार होगा और इस पर हुआ व्यय नियोजक द्वारा वहन किया जाएगा।

11. प्रत्येक वर्ष स्थापना के लेखा परीक्षित तुलन-पत्र के साथ लेखा परीक्षित वार्षिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छः माह के अन्दर क्षेत्रीय भविष्य निधि आयुक्त को प्रस्तुत की जाएगी। इस प्रयोजन के लिए भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा।

12. नियोजक प्रतिमाह भविष्य निधि के देय अपने कर्मचारियों के अंशदानों को आगामी माह की 15 तारीख तक न्यासी बोर्ड को अंतरित कर देगा। अंशदानों की विलम्ब से अदायगी करने के लिए समान परिस्थितियों में नियोजक

नुकसानी देने का उसी प्रकार उत्तरदायी होगा जिस प्रकार एक न-छूट प्राप्त स्थापना उत्तरदायी होती है।

13. न्यासी बोर्ड सरकार द्वारा समय-समय पर दिए गए निर्देशों के अनुसार निधि में जमा राशियों का निवेश करेगा। प्रतिभूतियाँ न्यासी बोर्ड के नाम पर प्राप्त की जाएंगी और भारतीय रिजर्व बैंक के जमा नियन्त्रण में अनुमोचित बैंक की अभिरक्षा में रखा जाएगा।

14. सरकार के निर्देशों के अनुसार निवेश न करने पर न्यासी बोर्ड अलग-अलग रूप से और एक साथ केन्द्रीय भविष्य निधि आयुक्त या उसके प्रतिनिधियों द्वारा लगाए गए अधिक प्रभार का उत्तरदायी होगा।

15. न्यासी बोर्ड एक वस्तु-व्योरा रजिस्टर तैयार करेगा और ब्याज और विमोचन आय की समय पर वसूली सुनिश्चित करेगा।

16. जमा किए गए अंशदानों निकाले गए और प्रत्येक कर्मचारी से संबंधित ब्याज की दिखाने के लिए न्यासी बोर्ड विस्तृत लेख तैयार करेगा।

17. वित्तीय/लेखा वर्ष की समाप्ति के छः माह के अन्दर बोर्ड प्रत्येक कर्मचारी की वार्षिक लेखा विवरण जारी करेगा।

18. बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पासबुक जारी कर सकता है। ये पास-बुकें कर्मचारियों की अभिरक्षा में रहेंगी और कर्मचारी के प्रस्तुतीकरण पर बोर्ड के द्वारा इन्हें अद्यतन किया जाएगा।

19. लेखा वर्ष के पहले दिन आदि शेष पर प्रत्येक कर्मचारी के लेखों में ब्याज उस दर से जमा किया जाएगा जिसका न्यासी बोर्ड निर्णय करे परन्तु यह उक्त स्कीम के पैरा 60 के अन्तर्गत केन्द्रीय सरकार द्वारा घोषित दर से कम नहीं होगा।

20. यदि न्यासी बोर्ड केन्द्रीय सरकार द्वारा घोषित ब्याज की दर इस कारण से कि निवेश पर आय कम है या किसी अन्य कारण से अदा करने में असमर्थ है तो इस कमी को नियोजक पूरा करेगा।

21. नियोजक भविष्य निधि की चोरी के कारण, लूट-खसोट, ध्यानत, गबन अथवा किसी अन्य कारण से हुई हानि को पूरा करेगा।

22. नियोजक और न्यासी बोर्ड, क्षेत्रीय भविष्य निधि आयुक्त को ऐसी विवरणियाँ प्रस्तुत करेगा जो समय-समय पर केन्द्रीय सरकार केन्द्रीय भविष्य निधि आयुक्त निर्धारित करें।

23. उक्त स्कीम के पैरा 69 की शैली पर किसी कर्मचारी को निधि के सदस्य न रहने पर यदि स्थापना के भविष्य निधि नियमों के नियोजकों के अंशदानों को जब्त करने की व्यवस्था है तो न्यासी बोर्ड इस प्रकार जब्त की गई राशियों का अलग से लेखा तैयार करेगा और उसे प्रयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त की पूर्व अनुमति से सुनिश्चित किया गया हों।

24. स्थापना के भविष्य निधि नियमों में निर्दिष्ट किसी बात के होते हुए भी यदि किसी व्यक्ति की सेवा निवृत्ति होने के फलस्वरूप या किसी अन्य प्रतिष्ठान में मौकरी करने पर निधि की सदस्यता समाप्त हो जाती है या पता लगता है कि प्रतिष्ठान के भविष्य निधि नियमों के अन्तर्गत अंशदान की दर समग्रहण की दर आदि संवित्तिक योजना के अन्तर्गत दी गई दरों की तुलना में कम अनुकूल है तो अन्तर का वह नियोक्ता द्वारा किया जायेगा।

25. नियोक्ता, भविष्य निधि के प्रशासन से संबंधित सभी खर्च जिसमें लेखों के रखरखाव रिटर्न प्रस्तुत किए जाने, राशियों का अन्तरण शामिल है, वहने करेगा।

26. नियोक्ता समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई संशोधन होता है, उसकी मुख्य बातों को कर्मचारियों के बहुमत की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा।

27. "समुचित सरकार" स्थापना की चालू छूट पर और शर्तें लगा सकती है।

28. यदि उक्त अधिनियम के अन्तर्गत स्थापना वर्ग जिसमें उसकी स्थापना आती है, पर अंशदान की दर बढ़ा दी जाती है, नियोक्ता भविष्य निधि अंशदान की दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अन्तर्गत दिए जाने वाले लाभों से स्थापना की स्कीम के अन्तर्गत दिए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार से कम न हों।

29. उक्त शर्तों में से किसी एक के उल्लंघन पर छूट रद्द की जा सकती है।

[सं. एम-35015/16/92-एस.एस.-III]

जे.पी. शुक्ला, अवसर सचिव

New Delhi, the 17th November, 1992

S.O. 3026.—Whereas Messers Howrah Mills Co. Ltd., Regd. Ramkrishnoper Howrah (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the employees' provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provident under the said Act or under the Employees' Provident Funds Scheme 1952. (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of similar character;

Now, therefore in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment

from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charge as the Central Government may from time to time direct under clause (a) of sub-section (3) of section 17 of the said Act within 15 days from the close of every month.
2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the un-exemption establishments and the said Scheme framed thereunder.
3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1992.
4. Any amendment to the said scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically. No amendment of the rules of the Provident fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their points of view.
5. All employees (as defined in section 2 of the said Act) who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.
6. Where an employee who is already a member of the Employees Provident Fund Statutory or a provident fund of any other exempted establishment is employed in his establishment the employer shall immediately enroll him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.
7. The employer shall establish a Board of Trustees for the management of the Provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be, from time to time.
8. The provident fund shall vest in the Board Trustee who will be responsible for and accountable to the Employees Provident Fund Organisation inter-alia for proper accounts of the receipts into and payments from the Provident Fund and the balances in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or and officer authorised by him.
10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified—Independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.
11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st April to the 31st of March.
12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident fund by himself and the employers by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an un-exempted establishment is liable under similar circumstances.
13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of scheduled Bank under the Credit Control of the Reserve Bank of India.
14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.
15. The Board of Trustees shall maintain a script wise register and ensure timely realisation of interest and ensure timely realisation of interest and redemption proceeds.
16. The Board Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of employee.
17. The Board shall issue an annual statement of account to every employee within six months of the close of financial/accounting year.
18. The Board may, instead of the annual statement of accounts issue Passbooks to every employee. These pass book shall remain in the custody of the employee and will be brought up to date by the Board on presentation by the employee.
19. The account of each employee shall be credit with interests calculated on the opening balance as on the 1st day of the accounting year at such rate as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.
20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason then the deficiency shall be made good by the employer.
21. The employer shall also make good any other loss that may be caused to the Provident Fund due to theft burglary, defalcation, mis-appropriation or any other reason.
22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribe from time to time.
23. If the Provident Fund rules of the establishment provide for forfeiture of the employees contributions in cases where an employee ceases to be a member of the fund on the lines of para 669 of the said Scheme, the Board of Trustees shall maintain a separate account on the amounts so forfeited and may utilise the same for such purpose be determined with the prior approval of the Central Provident Fund Commissioner.
24. Notwithstanding any thing contained in the Provident Fund Rules on the establishment, if on the cessation of any individual from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is found that the rate of contribution rate of forfeiture etc., under the P.F. Rules of the establishment are less favourable as compared to these under the statutory Scheme, the difference shall be borne by the employer.
25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of accounts, submission of returns, transfer of accumulations.
26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended.

ended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for continued exemption of the establishment.
28. The employees shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution is enhanced under the said Act so that

the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[F. No. S-35015/16/92-SS-II]
J. P. SHUKLA, Under Secy

